

- VOLUME 13 -

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

UNITED STATES OF	:	CRIMINAL ACTION
AMERICA,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
DAVID THOMAS	:	
MATUSIEWICZ, LENORE	:	
MATUSIEWICZ, and AMY	:	
GONZALEZ,	:	
	:	NOS. 13-83-1-GAM
	:	13-83-2-GAM
Defendants.	:	13-83-3-GAM

- - -

Wilmington, Delaware
Wednesday, June 24, 2015
9:06 o'clock, a.m.

- - -

BEFORE: HONORABLE GERALD A. McHUGH, U.S.D.C.J., and
a jury

- - -

APPEARANCES:

EDWARD J. McANDREW, ESQ.
JAMIE M. McCALL, ESQ. and
SHAWN WEEDE, ESQ.
Assistant United States Attorneys

Counsel for Plaintiff

Valerie J. Gunning
Official Court Reporter

APPEARANCES, (Continued):

**EDSON A. BOSTIC, ESQ. and
DINA CHAVAR, ESQ., ESQ.,
Assistant Federal Public Defenders**

**Counsel for Defendant
David Thomas Matusiewicz**

**KENNETH C. EDELIN, JR. ESQ.
BY: KENNETH C. EDELIN, JR.
(Philadelphia, Pennsylvania)**

**Counsel for Defendant
Lenore Matusiewicz**

**JEREMY GONZALEZ IBRAHIM
(Chadds Ford, Pennsylvania)**

**Counsel for Defendant
Amy Gonzalez**

- - -

P R O C E E D I N G S

(Proceedings commenced in the
courtroom beginning at 9:06 a.m.)

THE COURT: Good morning, counsel.

(Counsel respond, "Good morning,
your Honor.")

THE COURT: Are we ready for the
jury?

MR. McCALL: Judge, just because
the logistics of the next witness are a little
tricky, I just want to talk about the process
with the Court.

THE COURT: You say the next
witness is a little tricky? A little judicious
humor. Go ahead.

MR. McCALL: So it's the case
agent and we're going to be covering a lot of
documents with the case agent.

THE COURT: Right.

MR. McCALL: We have tried on the
front end to go through and redact all the
exhibits in line with the Court's orders and how

1 we've been proceeding in the case. I think
2 we're really close, but it just seems like in
3 talking with counsel, we're just off a little
4 bit on small things with some of the exhibits.

5 THE COURT: Everyone has to be on
6 their toes and everyone should be quick with the
7 kill switch, mainly me.

8 MR. IBRAHIM: Judge, there is one
9 we have that we can kill it right now. I've
10 discussed it with --

11 THE COURT: Please, be seated,
12 everyone, while we're having the discussion.

13 MR. IBRAHIM: I discussed it with
14 Mr. McCall. It's Exhibit 196.

15 THE COURT: All right.

16 MR. IBRAHIM: You probably don't
17 have -- does the Court have the new --

18 MR. McCALL: Judge, we put all the
19 redacted versions in your binders. And, Judge,
20 may I invite with your permission Jackie Nobling
21 up to our table? She's going to be running the
22 computer today.

23 THE COURT: Yes. Absolutely.

24 MR. McCALL: Thank you, sir.

1 THE COURT: You've already given
2 me redacted versions.

3 MR. McCALL: I have, your Honor.
4 We put them in your binders.

5 THE COURT: All right. So if
6 essentially what you are saying is despite best
7 efforts there may be some issues we need to deal
8 with, and obviously defense counsel will be
9 alert. If they think we're at such a stage, I
10 will be quick on the button, and if there's a
11 need to darken the screens, and we'll do the
12 best we can.

13 So 196, Mr. Ibrahim?

14 MR. IBRAHIM: Yes.

15 THE COURT: Let me pull the
16 redacted one up.

17 MR. McCALL: It's on the screen,
18 too, Judge.

19 THE COURT: All right. All right.
20 What does this purport to be, Mr. McCall?

21 MR. McCALL: This is an e-mail
22 found in the Edcouch residence in the bedroom
23 with the women's clothing we believe is Lenore
24 Matusiewicz's bedroom. It's an e-mail from

1 David Matusiewicz to the AlBBQ account. It
2 appears to be David Matusiewicz forwarding to
3 the AlBBQ account comments by a good friend of
4 his, Magda Menner, about really the issues of
5 this case, which are, you know, utilizing Amy's
6 testimony that she knew of Laura's child abuse
7 and didn't report it and why that doesn't seem
8 credible.

9 And it's incredibly relevant to
10 the government because it's putting David
11 Matusiewicz on as well as the reader of the
12 AlBBQ account, in this case the circumstantial
13 evidence would suggest Lenore Matusiewicz
14 because it's found in her bedroom, that these
15 claims are false and fabricated. And here's
16 someone outside the family telling them, this
17 does not make any sense, and yet they press on
18 and continue with the false claims.

19 THE COURT: All right. Let me
20 hear from the defense.

21 MR. IBRAHIM: Your Honor, this is
22 someone else's opinion of how they perceive the
23 beliefs of another individual. This is not a
24 witness, and even if they were a witness, their

1 own personal belief would be irrelevant. Here
2 we have someone else, a random individual,
3 saying, here's what I think.

4 THE COURT: Yes, except that one
5 of the alleged co-conspirators it's forwarded
6 to.

7 MR. IBRAHIM: Understood. He's
8 forwarding -- here's essentially what I think.
9 Whether it's forwarded or they themselves are
10 the ones who received it, it's a double hearsay
11 situation of somebody's opinion on, precisely as
12 the government points out, a crucial part of the
13 case. So this is a totally random person
14 telling the jury, this is what I think, and,
15 one, I can't cross-examine this person.

16 Two, even if they were here, I
17 would suggest their testimony and their personal
18 beliefs and opinion would be irrelevant. So all
19 he's doing is forwarding it on, saying, hey,
20 look at what somebody thinks. He's not even
21 saying he adopts it.

22 THE COURT: Mr. McCall?

23 MR. McCALL: Again, it is clearly
24 evidence of a conspiracy between David

1 Matusiewicz, and, again, in this case, based on
2 the circumstantial evidence, Lenore Matusiewicz.
3 It is someone telling the family that this is
4 not a credible claim, and it goes exactly to the
5 heart of the issue, which is, is this
6 defamatory? Were they on notice? Do they have
7 knowledge? What's their intent? And this
8 combined with the other evidence in the case,
9 it's all part of the same thing. It shows
10 they're working together. They're in concert,
11 and people are telling them outside of their
12 little conspiratorial unit that this is, that
13 this claim just does not add up, and yet they
14 continue to press the claim. In this instance,
15 the e-mail is dated March 21st, 2011, right
16 smack in the middle of the TPR hearing.

17 THE COURT: Let me hear back from
18 you, Mr. Ibrahim.

19 MR. IBRAHIM: Judge, I have six
20 binders of information that's coming in, e-mails
21 that come in that have expressed what the
22 government has said is the essence of their
23 case.

24 The fact is, Agent Gordon couldn't

1 get up there and say, based upon what I've read,
2 this does not make any sense for the following
3 reason because that's his opinion. All this is
4 is somebody else's opinion, and, again, you
5 know, all that is reported -- again, I've got to
6 take issue even though the jury is not here, the
7 family. I mean, all I heard was somebody else
8 saying, oh, this is why I don't think what Amy
9 is doing makes sense where it's found in one
10 person's bedroom, but it's from David. There is
11 not the reliability, the hearsay exceptions
12 don't apply to this. This is just the opinion
13 of Magda Menner on what my client -- you know,
14 by her understanding.

15 THE COURT: I have taken in the
16 argument of counsel. I think I'm going to
17 overrule the objection, and I'm going to
18 overrule it on this basis, Mr. Ibrahim. The
19 fact that Mr. Matusiewicz is forwarding it, and
20 the fact that it tends to support the argument
21 that what was being put forth in public was
22 being carefully crafted, and I take this as a
23 situation where Mr. Matusiewicz is raising a
24 cautionary note from someone whose opinion he

1 solicited that can take this course, could
2 potentially undermine the credibility.

3 And I'm happy when we reach that
4 exhibit to give a cautionary instruction to the
5 effect that it can only be considered for a
6 limited purpose, and also to take pains to point
7 out to the jury that your client is neither the
8 recipient nor the sender of the e-mail. All
9 right?

10 MR. IBRAHIM: I would request that
11 be done, then.

12 THE COURT: Well, please prompt me
13 when the time comes.

14 MR. IBRAHIM: Yes, sir.

15 MR. EDELIN: Your Honor, so our
16 record is clear, I join in that objection, and I
17 understand the Court's ruling.

18 THE COURT: All right.

19 MR. BOSTIC: I join in the
20 objection for slightly different reasons, but I
21 think to the extent that any instruction is
22 given has to be given to all the defendants as a
23 whole.

24 THE COURT: Of course.

1 MR. BOSTIC: That this is just one
2 person's take on some information they received.

3 THE COURT: Right.

4 MR. BOSTIC: Thank you, your
5 Honor.

6 THE COURT: All right. Any other
7 particular issue that we should at this point
8 try to address?

9 MR. McCALL: Do you have any other
10 exhibits you want to raise before we start?

11 MR. BOSTIC: Your Honor, I've gone
12 through most of them with Mr. McCall and there
13 are some in the latter part of the day that I
14 think we may be able to review ourselves before
15 they get to it.

16 THE COURT: All right.

17 MR. McCALL: I will say this. The
18 order of movement, which I think is important so
19 everybody knows what I'm doing, I'm going to
20 start with the documents that were found on Tom
21 Matusiewicz's body with the agent and then move
22 into the red notebook.

23 I know in the red notebook Mr.
24 Bostic had indicated, there's a series of pages,

1 your Honor, that have David Matusiewicz's
2 contact information in his various prison
3 facilities.

4 THE COURT: Right.

5 MR. McCALL: And they're relevant
6 for the government because the front of the
7 book, as the Court knows, says, important
8 information for David Matusiewicz, and having
9 all his contact information in the book is
10 circumstantial evidence that all of the other
11 information in the book was being conveyed to
12 David Matusiewicz. That combined with the
13 series of e-mails that we I think addressed in
14 our papers that show he had some knowledge of
15 what was going on with his family while he was
16 in prison.

17 And, you know, we have not
18 redacted the contact information as it indicates
19 the prison facilities. I don't think at this
20 point that it's an issue. We've had witness
21 testimony from Courtney Emerson, for example,
22 that he was in Salem County, Philadelphia FDC,
23 Brooklyn, so on and so forth.

24 I just ask that we keep it going.

1 If the Court wants to give an instruction at
2 that point, maybe it's appropriate. I could
3 slow downright when I start.

4 THE COURT: All right. Mr.
5 Bostic?

6 MR. BOSTIC: Your Honor, let me
7 say this. This case has been inundated with
8 references to my client being incarcerated at
9 various different locations. It is another
10 thing to put up an address, the specific name of
11 the facility, as well as the Marshal's number.
12 I think we're getting to the point where it's so
13 lopsided --

14 THE COURT: Here's how I'm going
15 to solve this. While I realize, Mr. McCall, you
16 don't want to break the rhythm early, I think
17 when that comes up, I will break it.

18 Members of the jury, you need to
19 understand someone that if someone is in the
20 federal system, the fact that they are in more
21 than one institution has no significance.

22 MR. MCCALL: Absolutely, your
23 Honor.

24 THE COURT: As an administrative

1 matter, as they're moved around, you shouldn't
2 attach any significance that this suggests
3 anything about Mr. Matusiewicz.

4 MR. McCALL: Absolutely.
5 Absolutely, your Honor.

6 THE COURT: All right.

7 MR. McCALL: That's an example of
8 a page in the book.

9 THE COURT: And, you know, there
10 may be times, government, where sua sponte I do
11 break in just to make sure that we have
12 perspective. All right?

13 MR. McCALL: Absolutely, your
14 Honor. I was more thinking if we have to go
15 back and redact it, we will have to take a
16 minute, redact it.

17 THE COURT: All right.

18 MR. McCALL: I totally understand
19 the Court's concern.

20 THE COURT: Let me also say to all
21 defense counsel, I appreciate the effort that
22 has gone into redacting these documents, but no
23 one should hesitate if they think their client's
24 rights are at issue to object. All right?

1 MR. McCALL: Judge, there are a
2 lot of documents. We've tried our best to
3 capture everything in line with the Court's --

4 THE COURT: I will repeat on the
5 record what I said before. All counsel have
6 worked with remarkable professionalism and
7 cooperation in a complex case and the Court
8 appreciates that. All right.

9 MR. McCALL: Thank you.

10 MR. EDELIN: Your Honor, if I
11 could just approach and talk to Mr. McCall for a
12 second?

13 THE COURT: You may.

14 Are you going to be starting in
15 binder 2, Mr. McCall?

16 MR. McCALL: I'm going to be
17 starting in I think the end of 1, Judge.

18 THE COURT: All right. That's
19 fine. All right.

20 (The jury entered the courtroom
21 and took their seats in the box.)

22 THE COURT: Good morning, ladies
23 and gentlemen. Please be seated.

24 We had some temperamental

1 technology this morning, but we are live and
2 ready to go. So, Mr. McCall?

3 MR. McCALL: Judge, with your
4 permission, we call Special Agent Gordon.

5 THE COURT: All right. Special
6 Agent Gordon, take the stand, please.

7 ... JOSEPH GORDON, having been
8 duly sworn as a witness, was examined
9 and testified as follows ...

10 MR. McCALL: Judge, with your
11 permission, may I proceed?

12 THE COURT: You may.

13 DIRECT EXAMINATION

14 BY MR. McCALL:

15 Q. Good morning, Special Agent.

16 A. Good morning.

17 Q. Let's talk again about your role
18 as the case agent in this matter. All right?
19 Again, one of the duties as the case agent in an
20 investigation that you're conducting is to
21 review the evidence that's collected; is that
22 right?

23 A. That's correct.

24 Q. Okay. Can you just briefly tell

1 the jurors the significant sources of evidence,
2 where it came from and what you reviewed in
3 connection with this case before we start
4 looking at the documents?

5 A. Sure. We obviously, in
6 conjunction with the State Police, collected
7 evidence initially from the courthouse, which
8 would include Mr. Thomas Matusiewicz, the house
9 that the Matusiewiczes stayed in the night
10 before, which was the house in Elkton, Maryland.
11 We also coordinated with the search down in
12 Edcouch, Texas, which was conducted, you know, a
13 day after the incident.

14 A little bit later we conducted
15 other searches at the residence of Amy
16 Matusiewicz, and also throughout the course of
17 the investigation we gathered evidence through
18 search warrants on e-mail accounts, interviews.
19 And as the case agent, I coordinated all the
20 evidence coming in, conducting the interviews,
21 asking others to maybe conduct an interview at
22 some distant location, and then I would read the
23 reports, look at the evidence, bring it all back
24 to our office here in Wilmington.

1 Q. All right. I think you mentioned
2 you conducted a search of Amy Matusiewicz. Is
3 that Amy Gonzalez?

4 A. I'm sorry. Amy Gonzalez.

5 Q. Okay.

6 A. Correct.

7 Q. Now, I want to first turn to some
8 of the evidence that was collected at the
9 courthouse on the day of the shooting. Okay? I
10 want to talk about some of the evidence that was
11 taken off of the body of Thomas Matusiewicz as
12 well as from David Matusiewicz that day. All
13 right?

14 A. Sure.

15 MR. McCALL: Judge, with your
16 permission, I would like to approach the
17 witness.

18 THE COURT: You may, and at any
19 time throughout the exam, feel free.

20 MR. McCALL: Thank you, your
21 Honor.

22 BY MR. McCALL:

23 Q. Special Agent, I've handed you
24 Government's Exhibits 40. Is that 40-A on the

1 left?

2 A. That is 40-A on my right.

3 Q. Thank you. Your right. Thank
4 you. And Government Exhibit 38; is that
5 correct?

6 A. That is correct.

7 Q. All right. Let's start with the
8 green folder. Where did that come from? Can
9 you hold it up and just tell the jurors?

10 A. Sure. This was recovered on
11 February 11th, 2013, from David Matusiewicz by
12 the U.S. Marshals when he was taken into
13 custody.

14 Q. And, Special Agent, after that
15 folder was recovered, you had an opportunity to
16 inspect its contents; is that correct?

17 A. I did.

18 Q. And was there a DD214 form that
19 was found inside that folder?

20 A. There was.

21 Q. And can you tell the jurors what
22 we're talking about?

23 A. A DD214, if you have been in the
24 military, you should be familiar, familiar with

1 it. It's the discharge from the military.
2 Usually with that it lists what type of
3 discharge you had, such as an honorable, or less
4 than honorable.

5 So it's the paperwork, you know,
6 detailing, you know, who you are, what you are,
7 and that you were discharged from the military,
8 and then there's usually a certificate that goes
9 along with it.

10 Q. All right. Can you reach inside
11 the green folder and pull out the DD214 form
12 that you recovered that day, or that was
13 recovered that day, I should say.

14 A. So as I said, it's actually, you
15 know, in this case two forms. It's the
16 honorable discharge certificate, if you will,
17 and then along with it is the detailed
18 information or the DD214 listing the name of the
19 individual, what branch they served in, their
20 dates of service, awards, commendations and what
21 type of discharge.

22 Q. Okay.

23 A. As well as other personal
24 information.

1 Q. All right. Can you just hold it
2 up, please, so the jurors can see it? And what
3 was unique about that particular document when
4 you found it in the green folder?

5 A. Just the way it was folded. It
6 was relevant to the investigation.

7 Q. Okay. Let's turn now to
8 Government Exhibit 38. Push that off to the
9 side.

10 All right. Go ahead and pull out
11 Government Exhibit 38.

12 A. These are the --

13 Q. What is it?

14 A. These are the documents that were
15 recovered from the body of Thomas Matusiewicz.

16 Q. All right. And specifically what
17 are those documents that you are holding up
18 there?

19 A. They were -- they were four pieces
20 of paper within the documents. There was the
21 two certificates of death, one in the name of
22 Christine Belford, one in the name of Timothy
23 Hitchings, the pictures of the children, and
24 then behind that was the poem, or the

1 "Reflection of the Dog" poem as we call it.

2 Q. Take a moment, put those back
3 together. And, again, could you just hold that
4 up, please? And what is significant or what's
5 unique about that?

6 A. It was folded in the same manner.

7 Q. Can you show the jurors how the
8 DD214 form from the green folder matches up to
9 the documents taken off the body of Thomas
10 Matusiewicz? Thank you.

11 MR. McCALL: All right. Judge,
12 may I retrieve the exhibits?

13 THE COURT: You may. Again, at
14 all times feel free to move back and forth.

15 MR. McCALL: Thank you, your
16 Honor. Creature of habit.

17 THE COURT: That's okay. Just
18 makes your job easier.

19 BY MR. McCALL:

20 Q. All right. So we just looked at
21 how the folds in DD214 form from the green
22 folder that was on David Matusiewicz matched the
23 documents on Thomas Matusiewicz; is that
24 correct?

1 A. Correct.

2 Q. Let's turn now to some of the
3 other documents that were recovered by you and
4 law enforcement from that green folder. All
5 right?

6 A. Yes, sir.

7 Q. Could you please pull up
8 Government Exhibit 40.01. And, again, this is
9 the outside of the green folder, just a
10 photocopy of it?

11 A. Correct. Just a scan of the
12 outside. Slightly see-through. That's why you
13 see some of the document.

14 Q. Could you please turn to 40.02.
15 All right. And 40.02, this is an e-mail that
16 we've seen before in this case; is that correct?

17 A. It is an e-mail from
18 RANIM@aol.com, which is known to me as the
19 e-mail address of Amy Gonzalez to the attorney
20 Heriberto Medrano.

21 Q. The date of this is April 4th,
22 2009; is that correct?

23 A. That's correct.

24 Q. Can you blow up the bottom

1 portion, which is the Amy section? Right. And
2 the significance of this particular e-mail to
3 Mr. Medrano was what, or is what?

4 A. She's detailing the allegations,
5 but no mention of G-spot.

6 Q. Okay. And the date on this
7 e-mail, Special Agent Gordon, right, it's
8 April 4th, 2009; is that correct?

9 A. That is correct.

10 Q. When were the children of
11 Christine Belford brought back and reunited with
12 her?

13 A. Approximately a month earlier.

14 Q. And Mr. Medrano was whose
15 attorney?

16 A. Mr. Medrano was David's attorney,
17 David Matusiewicz's attorney.

18 Q. Could you please turn to 40.06.
19 And as we continue to look at the documents that
20 are in the green folder that Mr. Matusiewicz or
21 I should say David Matusiewicz possessed, this
22 is the polygraph result; is that correct?

23 A. It is.

24 Q. For Amy Gonzalez?

1 A. Yes.

2 Q. All right. And we can run through
3 it and go to page 10.

4 Okay. Page 10 of this exhibit was
5 a Mediation Guide; is that correct?

6 A. Yes, from the Family Court in the
7 State of Delaware.

8 Q. All right. And can you turn to
9 paragraph 7, which is on page 11. Now, before
10 we talk about paragraph 7, just help the jurors
11 understand, what is this document?

12 A. This is put forward by the Family
13 Court of the State of Delaware. It's to
14 instruct somebody who is going through a process
15 with Family Court as to what happens with the
16 mediation process and cases moving forward, how
17 they may, how they may move forward depending on
18 how things are resolved or not resolved.

19 Q. All right. Now, could you please
20 read paragraph 7.

21 A. What happens if mediation is not
22 successful? If no agreement is reached at
23 mediation, the parties may be taken before a
24 Commissioner that same day for temporary or

1 permanent order. Therefore, you should come to
2 mediation prepared to go to trial if your
3 mediation is unsuccessful. If you do not see a
4 hearing officer that day, the case will be
5 scheduled for a formal court hearing.

6 In custody/visitation cases,
7 parents must complete a parent education program
8 before their case is scheduled before a judge.
9 The mediator may recommend an interim order, a
10 temporary order, for the Judge or Commissioner
11 to sign if there's no prior order for visitation
12 or support.

13 Q. So, Agent Gordon, if mediation
14 isn't successful on that day, you have, based on
15 this document, a hearing that day, or one will
16 be scheduled in the future; is that correct?

17 A. That's correct.

18 Q. Could you please turn to page 12.
19 All right. What is page 12 of this exhibit?

20 A. This is a letter mailed, dated
21 December 2nd, 2012, mailed to the Family Court
22 in New Castle County by David Matusiewicz.

23 Q. Could you please read the body of
24 the letter where it starts, "Dear Sir."

1 A. "Dear Sir Or Madam, enclosed
2 please find the financial report in the
3 above-captioned matter. In that I am presently
4 serving federal probation and cannot leave Texas
5 without authorization from my probation officer
6 and in that the Family Court has recognized my
7 status as a pauper and I cannot afford to travel
8 to Delaware, I hereby request to be allowed to
9 participate in the coming hearing on 12/10/12 at
10 8:30 a.m. Eastern Standard Time by
11 teleconference. Please send instructions to the
12 number to call so that I may participate in the
13 scheduled hearing by phone.

14 "Since time is some of the essence
15 in this matter, you may call or e-mail with the
16 details. "

17 Q. And then it says, "Thank you,
18 David Matusiewicz." Is that correct?

19 A. Correct.

20 Q. With the P.O. Box Edcouch, Texas
21 address that we've seen in this case?

22 A. That's correct, with the e-mail
23 address at the bottom as well.

24 Q. All right. Now, can you put this

1 letter in context for the jurors. This is
2 December 2nd, 2012?

3 A. That's correct.

4 Q. What happens later on in this
5 month that is significant to this case?

6 A. They do have the mediation hearing
7 by telephone.

8 Q. Okay. And the reason that he's
9 asking for a telephonic mediation hearing in
10 this letter is what, Special Agent?

11 A. Well, two reasons. Financially,
12 he's essentially stating he can't afford to
13 travel. He's also on probation, so in order to
14 travel, he would have to request and be given
15 authorization to travel.

16 Q. Okay. Could you please turn to
17 page 15 of the green folder. All right. What
18 is page 15?

19 A. If so this is the Board of
20 Examiners for Optometry for the State of
21 Delaware. You know, Dave Matusiewicz was an
22 optometrist, and essentially this is a
23 revocation of his optometry license.

24 Q. And page 19 is the last page of

1 the order; is that correct?

2 A. It is.

3 Q. And can you read the highlighted
4 part?

5 A. "By unanimous vote, the Delaware
6 Board of Examiners in Optometry revokes the
7 optometry license of David T. Matusiewicz,
8 License No. 13-00001202.

9 Q. What's the date of the order?

10 A. 27 May 2011.

11 Q. Several months before the TPR
12 order comes down; correct?

13 A. That's correct.

14 Q. Page 20. All right. Page 20 is
15 what?

16 A. This is from the Family Court,
17 State of Delaware, obviously, or, I apologize,
18 for New Castle County, and it's the final
19 custody order between Christine Belford and
20 David Matusiewicz.

21 Q. And the second page lists the
22 date; is that correct?

23 A. It does.

24 Q. And, again, the date is what?

1 A. 21 November.

2 Q. What year?

3 A. 2008.

4 Q. Page 22 of the green folder. This
5 is the first page of what order?

6 A. This is the termination of
7 parental rights. This was, you know, decided
8 and mailed on August 18th, 2011. This
9 terminates David's, David Matusiewicz's parental
10 rights.

11 Q. Okay. Page 23, please. What is
12 page 23 of the green folder?

13 A. This is a letter addressed to
14 David Matusiewicz at 819 Sinatra Drive,
15 Edinburg, Texas, which is the residence of Amy
16 Gonzalez, and the return address is 15 Donegal
17 Court, Newark, Delaware, which is the residence
18 of Christine Belford.

19 Q. Next page, please. Page 24.
20 And, again, this is the June 30, 2012 letter
21 that has already been read into the record from
22 Christine Belford to David Matusiewicz; is that
23 correct?

24 A. Correct. This is the -- in

1 summary, she asks for no more contact. A little
2 further down it reads, do not contact me, lists
3 the children.

4 Q. And the next document, page 25.

5 A. Now --

6 Q. Go ahead.

7 A. This is an earlier, as you can
8 see, dated November 21st, 2011. It's actually a
9 letter from Christine Belford to David
10 Matusiewicz. And this is Christine -- to
11 summarize, Christine giving updates on the
12 children, how they are doing in school, you
13 know, what activities they're, they're involved
14 in.

15 Q. All right. So in this green
16 folder Dave Matusiewicz brings to the courthouse
17 the day of the shooting, he has the TPR order;
18 is that correct?

19 A. Correct.

20 Q. That takes away his parental
21 rights?

22 A. Correct.

23 Q. He has got the final custody order
24 from 2008 that stripped his custody of the kids

1 from him; is that right?

2 A. Correct.

3 Q. He has the optometry revocation
4 order that took away his ability to be an
5 optometrist in Delaware; is that correct?

6 A. Correct.

7 Q. And he has got the June 30, 2012
8 letter from Christine Belford that says, no more
9 contact; right?

10 A. Correct.

11 Q. And he also has his dad's DD214
12 form.

13 A. That is correct.

14 Q. All right. Can we turn to
15 Government Exhibit 60, page 1, please.

16 All right. You've seen this
17 exhibit before; is that correct?

18 A. It is. We refer to it as the red
19 notebook.

20 Q. And, again, where was the red
21 notebook found? In the CRV; is that correct?

22 A. The CRV parked across the street
23 from the courthouse the day of the shooting,
24 this was found at the CRV.

1 Q. Okay. In the back, I think either
2 in or by a bag; is that correct?

3 A. It -- you recall the video. It
4 falls out of the bag when the pack file, or
5 robot, I'm not the technical guy for that one,
6 when the robot pulls it out and it falls out.

7 Q. And, again, the bag that this red
8 notebook was near, what else was contained in
9 that bag?

10 A. That is, that contained the
11 bulletproof vest, three sets of handcuffs, a
12 cattle prod, a large, I would describe as a
13 military-style knife.

14 Q. And ammunition?

15 A. As well as some ammunition,
16 correct.

17 Q. It's tough to make out there, but
18 I think you can see it on the other screen.
19 What does the front of the notebook say?

20 A. It says, important info for David
21 Matusiewicz.

22 THE COURT: All right. Counsel,
23 maybe at this point I will give the jury some
24 instructions.

1 When this document was raised
2 before, ladies and gentlemen of the jury, I
3 broke into the testimony. Some of the documents
4 in the case, there's an agreement as to who
5 authored the documents and what the source of
6 the documents is. There is no such agreement in
7 this case by the parties, so one of your jobs as
8 jurors will be to look at the document, to look
9 at what's in the document, to consider where it
10 was found and the circumstances under which it
11 was found, and you will as part of your
12 deliberations attach such significance to it as
13 you will. All right?

14 So this is one of those instances
15 where you as the jurors will serve an
16 evidentiary function in deciding what to make of
17 the document, which I told you you may consider
18 as an exhibit. All right?

19 MR. McCALL: Judge, thank you,
20 sir.

21 BY MR. McCALL:

22 Q. Okay. Could we please turn to
23 page 2. Okay. And the top of page 2 is
24 highlighted. And, Special Agent, can you tell

1 the jurors what, or can you read this portion of
2 the red notebook to the jurors?

3 A. Sure. So we're now into the red
4 notebook, paging through. In this case, it
5 says, Hidalgo CTY. Hidalgo County is the county
6 where Edcouch, Texas is located. It says,
7 Hidalgo County Sheriff's Department Reports, and
8 then listing number one and number two.

9 The first one says credit theft
10 with a number, which appears to be a complaint
11 number you would get from a police department if
12 you filed a complaint with an officer's name,
13 Omar Olamen.

14 And then the second is circled.
15 It says, Lee poisoning, again with a number that
16 appears to be the Sheriff's report. Complaint
17 number appears an officer or sheriff's deputy
18 named Vegenag. And these are dated.

19 Q. What is the date that is in the
20 bottom right corner of the highlighted portion?

21 A. The one below No. 2, Complaint No.
22 1/19/11.

23 Q. We saw during Dr. Bocanegra's
24 testimony a police report from the Hidalgo

1 County Sheriff's Office; is that correct?

2 A. We did.

3 Q. And it recounted, just focusing on
4 No. 2, a claim of poisoning on the part of
5 Lenore Matusiewicz against Christine Belford; is
6 that correct?

7 A. Yes, with a cup of tea.

8 Q. Right. And again the date that is
9 1/19/2011; is that correct?

10 A. That's correct.

11 Q. And what else can you tell the
12 jurors was significant, Special Agent, on
13 January 19th, 2011, as it related to this case?

14 A. Well, the termination of parental
15 rights trial, it's not a trial like we're having
16 now where all the days are consecutive. They're
17 at different days as the Court allows. So that
18 was one of the days of the termination of
19 parental rights trial where they, they held
20 court.

21 MR. McCALL: Okay. Judge, with
22 your permission, I'm going to put up on the Elmo
23 the first three pages of the transcript from
24 January 19th, 2011, to show who one of the

1 witnesses was that testified that day.

2 THE COURT: Hearing no objection,
3 you may.

4 BY MR. McCALL:

5 Q. Again, this is the transcript from
6 January 19th, 2011.

7 A. That is correct.

8 Q. And so the same date that is
9 indicated in the red notebook with the Court is
10 filed, who testified that day?

11 A. Christine Belford.

12 Q. Could we please turn to page 3 of
13 the red notebook.

14 What do we see here? And you can
15 highlight the information on the document. I'm
16 sorry. Blow it up. Enlarge it. Thank you.

17 What is listed here?

18 A. So these are vehicles with their
19 year. So the first one, 2010 Toyota Camry,
20 black, or blk, four-dr, which I believe is
21 four-door with a license plate No. 233370.
22 Dela. And then 2009 Honda Odyssey, purple/tan
23 with a license plate number as well.

24 Q. What I'd like to do is compare

1 this exhibit to another exhibit that has been
2 entered in the case, 242.01.

3 MR. McCALL: Thank you. And you
4 can blow up the license plate on the bottom
5 left. Can you keep going down? Thank you.

6 BY MR. McCALL:

7 Q. Special Agent, what is significant
8 about the 2009 Honda Odyssey plate that you see
9 in the red notebook versus the picture that is
10 indicated on 232.01?

11 A. This vehicle is registered to
12 Christine Belford?

13 Q. Okay. Those license plate
14 numbers, 437215, they match?

15 A. Yes.

16 Q. All right. And 242, Exhibit 242,
17 that came out of the Vista Con bag; is that
18 correct?

19 A. Yes. The bag that was found in
20 Elkton, Maryland, at the Mitchell residence.

21 Q. Special Agent, you reviewed the
22 Vista Con bag; is that correct?

23 A. I did.

24 Q. There were a series of documents

1 contained in that bag in addition to these
2 photographs; is that right?

3 A. There were.

4 Q. And who were those documents
5 either addressed to or related to?

6 A. David Matusiewicz.

7 Q. I'd like to turn to page 4 of
8 Government Exhibit 60.

9 MR. McCALL: If you could enlarge
10 that.

11 BY MR. McCALL:

12 Q. Okay. Let's start with the top,
13 the top portion represents what?

14 A. It says Dave's acct, account.

15 Q. Then it lists some information
16 below; is that correct?

17 A. Yes. Under the word wastes,
18 W-a-s-t-e-s, wastes. Mark Buckworth, Judge.
19 Jane Brady, Judge. Phyllis Scully, D.A.

20 Q. Who is Mark Buckworth?

21 A. Mark Buckworth was the Judge,
22 Family Court, State of Delaware, who oversaw the
23 custody between David Matusiewicz and Christine
24 Belford.

1 Q. Jane Brady?

2 A. Jane Brady was the Judge, State of
3 Delaware, who oversaw the criminal prosecution
4 of Lenore Matusiewicz for the kidnapping of the
5 children in 2007.

6 Q. Phyllis Scully?

7 A. Phyllis Scully was the D.A. or
8 general Attorney General, as they're called, in
9 the State of Delaware who prosecuted the case
10 regarding Lenore Matusiewicz.

11 Q. Page 5, please. Okay. We're
12 going to walk through the information on this
13 document.

14 MR. McCALL: If you could enlarge
15 the top portion.

16 BY MR. McCALL:

17 Q. Starting with the top of the
18 document, which is --

19 A. Sure. 15 Donegal Court, Newark,
20 Dela with the zip code, and it had the parcel
21 number, which would be something you get
22 typically from the County identifying the land,
23 parcel number.

24 So, again, 15 Donegal Court. It's

1 Belford's address. Then the second is Tim
2 Hitchings.

3 Q. All right. And I see, if you look
4 at the left, there's Newport, Delaware address.

5 A. Right.

6 Q. And what is significant about
7 that?

8 A. So Tim Hitchings, the attorney for
9 Christine Belford, the address on the left, 100
10 East Main, is his, newer, of course,
11 chronologically speaking, his office address.
12 And then the one on the right, Bear, Delaware,
13 is his old address.

14 Q. All right. And just below the
15 phone numbers for Tim Hitchings, what name is
16 listed there?

17 A. Christine Belford.

18 Q. And what is the information that's
19 contained below her name?

20 A. Her date of birth and Social
21 Security number, although I think the last four
22 of one of the numbers is transposed.

23 Q. What do you mean by transposed?

24 A. I believe 1564, without checking,

1 I think it's 15, or 1654.

2 Q. Okay.

3 A. I would have to double-check.

4 Q. All right. We'll skip the portion
5 that indicates general contractor. We'll move
6 down to, I think the name is, it starts Jerald.
7 What does that indicate?

8 A. Yes. Jerald Raymond Purcell with
9 his date of birth and Social Security number,
10 with a telephone number and previous addresses.
11 Up top, 2401 Belford, and then an old address,
12 260 Christiana Road, New Castle, Delaware,
13 listing addresses that Jerald Purcell had
14 resided at.

15 Q. As you continue to make your way
16 down this document, where it says "his," what
17 does that indicate?

18 A. His former wife's name, Lisa
19 Purcell.

20 Q. I'm sorry. Based on the
21 investigation, what does that mean?

22 A. Jerald, Jerald Purcell's previous
23 wife.

24 Q. Okay. And then it lists a series

1 of information, including a divorce granted
2 date; is that correct?

3 A. That's correct. So it looks like
4 referencing some Court information, Maryland
5 Domestic Family, Montgomery County Circuit
6 Court, Divorce. Correct.

7 Q. And then if we go down to the
8 bottom of the page, where we have -- there is
9 a redaction. What is on the bottom of the
10 page?

11 A. At the bottom, starting on the
12 left, it says, relative? And then circled
13 neighbor, or neighbors. And it says, Timothy
14 James Golden, Donegal Court, Newark, Delaware,
15 and then to the right of his name is circled,
16 cop.

17 Q. Okay. We'll stop here for a
18 second. Special Agent, can you describe or
19 explain the relevance of that to this case as it
20 relates to Christine Belford?

21 A. Sure. As we know, Christine
22 Belford lives at 15 Donegal Court. Directly
23 next-door or immediately next-door is
24 Mr. Golden, who is actually a New Castle County

1 Police Officer.

2 MR. McCALL: Page 6, please. If
3 you can enlarge the highlighted section.

4 BY MR. McCALL:

5 Q. Okay. Can you please, looking at
6 the first highlighted set of words, what does
7 that indicate?

8 A. It says, "Watch him" next to the
9 name Joe Sonal. It's not highlighted. It says
10 Simon Eye Associates.

11 Q. What is significant about Joe
12 Sonal and Simon Eye Associates?

13 A. Optometrists who operates their
14 own or works at Simon Eye Associates, and one of
15 the office locations.

16 Q. Okay. How did that relate to
17 Christine Belford, if at all?

18 A. Christine Belford ended up working
19 at Simon Eye Associates.

20 Q. To the left of Simon Eye
21 Associates, there's another small highlight; is
22 that correct?

23 A. Yes.

24 Q. And what does it indicate?

1 A. It says -- well, it says, call,
2 how. I think it says how. There's a lot of
3 cross-out. But it says, how was WB let go?

4 MR. McCALL: Okay. If you can
5 back out, please.

6 BY MR. McCALL:

7 Q. And then as we continue down the
8 document where it says the name Jason, it is
9 underlined. What's that?

10 A. Jason, it says Deschane, M.D.,
11 known to me as Jason Hann-Deschane,
12 Appoquinimink Pediatrics, which is the
13 pediatrician for the children.

14 Q. All right. As you continue down
15 the document?

16 A. It says, Christine, Doctor, and
17 one of her doctors, John Kahagis.

18 Q. Okay.

19 A. Which may not be pronounced right.

20 Q. Understood. Next page.

21 All right. What's highlighted on
22 page 7?

23 A. David, and then contact
24 information. Allison Burchfield, Dave's

1 patient.

2 Q. Okay. And can you keep going down
3 the document? The next highlighting?

4 A. Kiley Best, Dave's patient.

5 Q. Underneath her name?

6 A. Linda Morris.

7 Q. Who is Linda Morris?

8 A. Linda Morris is a friend of Dave
9 who we interviewed during the investigation.

10 Q. All right. Can you continue down?
11 Again, that's Linda Morris' name that's
12 highlighted as well?

13 A. Correct.

14 Q. Lisa Lloyd Washington, that's the
15 next highlighted name?

16 A. Yes.

17 Q. Who is that?

18 A. Another friend of David
19 Matusiewicz.

20 Q. Okay. The name that is the
21 highlighted after that?

22 A. Sandy Peterson, who you heard from
23 the other day.

24 Q. And then can you keep -- okay.

1 And that ends the document.

2 MR. McCALL: Page 8, please.

3 BY MR. McCALL:

4 Q. All right. The top of page 8,
5 what does that indicate?

6 A. That is the child abuse reporting
7 line, as it says, and that number is the State
8 of Delaware's.

9 Q. All right. And the next highlight
10 below that?

11 A. David's ad, News Journal/local.

12 MR. McCALL: Page 9, please.

13 BY MR. McCALL:

14 Q. All right. What do we see here?

15 A. A phone number starting with 302,
16 and that says WB cellphone, or PH.

17 Q. All right. And then below that?

18 A. Courtney, Dave's friend. Works
19 for State, Dela, with a contact number.

20 Q. Now, we have seen those two
21 letters, WB, a couple times already. We'll see
22 it, I think, more in the pages coming up. But
23 who is that? Who do you understand that to
24 relate to based on the investigation?

1 A. That relates to Christine Belford.

2 Q. Okay. And then the bottom portion
3 that's highlighted, what is that?

4 A. On the left, it says, verify, WB
5 and Bast Dr.

6 Q. To the right of that?

7 A. 2009 Toyota Camry black with a
8 license plate number.

9 Q. And the license plate, is that
10 significant in any way?

11 A. Yes.

12 Q. If you know. And how?

13 A. It came back to, I believe that
14 may have been the neighbor's.

15 Q. Okay.

16 A. On Donegal Court.

17 MR. McCALL: Next page, please.

18 All right. Could you enlarge the highlighted
19 section?

20 BY MR. McCALL:

21 Q. Okay. What do we see here,
22 Special Agent?

23 A. So the name that obviously we know
24 is Kimberly Lawson. Kimberly Lawson - Reed

1 Smith LLP, and her office address. Next to it
2 on the left it says, worthless joke (our girl's
3 Dela advocate) with a star. Back on the left it
4 was another star and the numbers KB circled.

5 MR. McCALL: Back out, please.

6 BY MR. McCALL:

7 Q. And then the name that's
8 highlighted below, Kimberly Lawson.

9 A. Michael O'Rourke. Michael
10 O'Rourke is the private investigator who
11 assisted the Matusiewicz, was in contact with
12 Thomas, Lenore and Amy.

13 MR. McCALL: All right. I would
14 like to compare this now, if you can back out
15 and go back to the Kimberly Lawson section.

16 What has already been admitted
17 into evidence is one of the e-mails from Cindy
18 Bender, and it is Exhibit 424.01. If you could
19 pull it up.

20 Okay. If you could go down and
21 highlight first on the left the words worthless
22 joke and Kimberly Lawson, and then that
23 sentence.

24 BY MR. McCALL:

1 Q. 424, again, Special Agent, that
2 was an e-mail between what parties?

3 A. If you can pull it back out for a
4 second. So this is an e-mail chain between
5 Pookie's mom -- I'm sorry. Pookie's mom is
6 Cindy Bender, and then Bear Dog is the e-mail
7 address for David Matusiewicz.

8 Q. Okay. And then again in the red
9 notebook, who is being referred to as a
10 worthless joke?

11 A. In the red notebook, worthless
12 joke is being referred to Kimberly Lawson.

13 Q. Okay. And the word "worthless,"
14 I'm not going to repeat the next word, is being
15 referred to who?

16 A. Christine Belford.

17 Q. Okay. Can you please go to page
18 11. Who is highlighted?

19 A. Betty Lou Griffith, Realtor,
20 Middletown. Betty Lou Griffith testified here
21 the other day. Below it says, Tom and Lee's.

22 MR. McCALL: All right. Page 12,
23 please.

24 BY MR. McCALL:

1 Q. All right, let's look at the top
2 highlights. On the left, what does it indicate?

3 A. CB, WB, underlined.

4 Q. And Special Agent, CB, those are
5 the first two letters of whose name?

6 A. C, Christine. B, Belford.

7 Q. And the personal information
8 that's contained on the right of the CB, WB, who
9 does that --

10 A. It's the Social Security number
11 and date of birth of Christine.

12 MR. McCALL: All right. Can you
13 push this document off to the left, please. And
14 can you pull up Exhibit 35.01. Can you
15 highlight -- correct. And can you blow up the
16 CB, WB, and the personal information.

17 BY MR. McCALL:

18 Q. And, again, can you tell the
19 jurors in the course of the investigation how
20 you came to understand that Christine Belford's
21 name was associated with the letters WB and the
22 words whore bitch?

23 A. Well, it appeared numerous times
24 in the context of talking about, you know,

1 Christine Belford, David Matusiewicz's ex-wife.
2 And we would see the term WB, and then describe
3 something she would be doing, so we understood
4 WB is whore bitch, I apologize.

5 And then --

6 Q. And you backed out and you looked
7 at the death certificate. Who is it for?

8 A. That is the death certificate that
9 was found on Tom's body in the name of Christine
10 Belford.

11 MR. McCALL: Page 14, please.

12 BY MR. McCALL:

13 Q. Okay. What are we seeing on page
14 14?

15 A. So these are -- we saw this in a
16 lot of places, but this is the contact for the
17 Dr. Phil Show, Barbara Walters, essentially
18 various news media outlets, and those are two of
19 them listed there.

20 Q. It also lists contact information
21 for who else?

22 A. Judge Jane Brady from the State of
23 Delaware, Superior Court, and then Gregory
24 Sleet. Judge Sleet is a Judge on the Federal

1 Bench here in the District of Delaware.

2 MR. McCALL: Page 15, please.

3 BY MR. McCALL:

4 Q. All right. Working our way down
5 the highlights, what does the first highlighted
6 portion indicate?

7 A. Jeff Pelly, the first name
8 highlighted. Jeff P-e-l-l-y was the intake
9 report line taker, if you will, from the Family
10 Youth and Children's Services, you know, manning
11 the hotline, and Laura Miles is listed as
12 director. She -- you heard her testimony the
13 last, or a couple days.

14 Q. Okay. And as you continue down
15 the document? Go ahead.

16 A. I'm sorry. 11/20/09, and then it
17 says, 9:00 a.m., spoke to Jeff Pelly, filled him
18 in on child sexual abuse of our grandchildren.
19 And then it says, lick the lollipop, Lenore
20 Matusiewicz. G-spot told to Amy Matusiewicz,
21 our daughter. Juan Gonzalez, Laura, Mommy's
22 secret out. I'm sorry. Mommy's secret, can't
23 tell. Get her interview.

24 Q. Okay. Let's go back up to lick

1 the lollipop for a moment. To the right, what
2 do the words indicate in the highlighted portion
3 where it says lick the lollipop on the far
4 right?

5 A. I'm sorry. The far right?

6 Q. Yes.

7 A. Four. Appears to be the circled
8 age, four, and 2006.

9 Q. MR. McCALL: Can you expand it up?

10 THE WITNESS: And that would --
11 four would be about the age of Laura.

12 BY MR. McCALL:

13 Q. But what's the -- I'm actually
14 more focused off the words to the right above
15 2006, if you can read it. If you can't, it's
16 okay. We can move on.

17 A. We can move on.

18 Q. All right. Okay.

19 MR. McCALL: Page 16, please.

20 BY MR. McCALL:

21 Q. What does this indicate?

22 A. BLG, Betty Lou Griffith. We heard
23 her testimony the other day. She's the realtor.

24 MR. McCALL: Page 17, please.

1 BY MR. McCALL:

2 Q. All right. Okay. Let's start
3 with the top highlighted portion, Special Agent
4 Gordon.

5 A. So in quotes it says, "visited."
6 Quote, "visited," end quote WB on Thursday,
7 12/2/2011, with/Mike.

8 Q. Okay. And based on the
9 investigation, when it says visited on
10 12/2/2011, what did you -- what was significant
11 that was occurring in the case during that time?

12 A. Well, at the time Thomas and
13 Lenore Matusiewicz, who were residing in Texas
14 about that time, had come to Delaware, come to
15 the address of -- well, Thomas Matusiewicz had
16 come to the door of 15 Donegal Court with
17 Michael O'Rourke.

18 Q. As you move down the document
19 where it says 12/11/2011, what does it say
20 next?

21 A. Yes. 12/11/2011, WB listed home
22 with Long & Foster. In parentheses, (Judith
23 Cook, Listing Agent).

24 Q. And where did that information

1 come from based on the investigation?

2 A. Betty Lou Griffith was the other
3 real estate agent.

4 Q. And then as we continue down the
5 document, we see a series of pieces of
6 information that appear to be related to what?

7 A. So it appears to be information
8 from, or about a house or a residence and the
9 listing. 23-year old house, the square footage,
10 2275 Sq ft, and then basement with outside
11 entrance. Master on main. Two bedrooms
12 upstairs.

13 Q. And what house in this
14 investigation has the master on the main and two
15 bedrooms and the basement with the outside
16 entrance?

17 A. 15 Donegal Court.

18 Q. Okay.

19 MR. McCALL: Can you back out,
20 please? All right. Next page, please.

21 BY MR. McCALL:

22 Q. All right. What are the two
23 letters at the top of the document?

24 A. HL.

1 Q. Below that, what is, what are the
2 letters that are circled there?

3 A. WB/NM.

4 Q. Now, let's stop there at the NM.
5 I want to focus on that for a moment.

6 MR. McCALL: Can you push the HL
7 document off to the left side of the screen,
8 please, and can you pull up 64.01?

9 BY MR. McCALL:

10 Q. And there was a document that came
11 out of the glovebox of the CRV that was driven
12 to the courthouse; is that correct?

13 A. That is correct.

14 Q. All right. Can you tell the
15 jurors what we're looking at on the right with
16 the newest --

17 A. Okay. So on the right, again,
18 came out of the CRV, in quotes it says, "Newest
19 mark," end quote.

20 Q. And what was significant about the
21 information that was listed below that?

22 A. It's information it appears they
23 were gathering about Belford's husband,
24 boyfriend, and then they begin to refer to him

1 as NM, new mark.

2 Q. Who is --

3 A. Jerald Purcell.

4 Q. All right. Thank you.

5 Okay. As we work our way down the
6 words that are on this page, the next is Ann
7 Gaza; is that correct?

8 A. That's correct.

9 Q. And who is that person?

10 A. She's a lawyer in the State of
11 Delaware who previously represented Christine
12 Belford in a -- in a Family Court matter.

13 Q. Okay. And the next is Tim -- you
14 read it. I'm sorry.

15 A. Sure. The next is Tim H-i-t,
16 which Tim Hitchings was Belford's attorney
17 through the divorce, the custody proceedings and
18 the termination of parental rights trial.

19 Q. Next?

20 A. Brady. We know Judge Brady
21 oversaw the prosecution of Lenore Matusiewicz
22 for the kidnapping.

23 Judge Sleet. Judge Sleet is on
24 the Federal Bench, District of Delaware, who

1 oversaw the case involving David Matusiewicz for
2 the kidnapping in 2011.

3 Q. Buckworth?

4 A. Judge Buckworth oversaw -- the
5 State of Delaware Judge, oversaw the custody
6 hearings between David and Christine.

7 Q. Next?

8 A. Scully. Phyllis Scully would be
9 the Deputy Attorney General that prosecuted
10 Lenore in the State of Delaware kidnapping case.

11 Q. The next name?

12 A. Jay Belford. Jay Belford is the
13 father of Christine Belford, or Jim Belford, I
14 apologize, is the father of Christine Belford.

15 Q. Next?

16 A. James Woods. James Woods is the
17 attorney that -- who you heard testimony here
18 representing Christine in the lawsuit against
19 the Matusiewicz's.

20 Q. Can you continue?

21 A. Sure. Orlov. Dr. Marsha Orlov
22 was involved in the termination of parental
23 rights hearing. There is also -- her husband
24 also did counseling. He's also a doctor for

1 Christine and David early on, I guess, about the
2 time of their divorce.

3 Lawson circled there, Kimberly
4 Lawson. She's the guardian ad litem for the
5 three girls.

6 Q. Next?

7 A. Duarte. Dimitrio Duarte was the
8 attorney who represented Lenore in the State of
9 Delaware kidnapping case.

10 Heriberto Medrano. He represented
11 David Matusiewicz in the federal kidnapping
12 case.

13 Q. Okay.

14 A. Roberts, Don Roberts represented
15 David Matusiewicz in a termination of parental
16 rights trial.

17 Q. You can continue.

18 A. Circled Sam Romirowsky. You heard
19 Dr. Sam Romirowsky testify the other day. He
20 was Belford's -- the psychologist that initially
21 was hired by David in the custody hearing, and
22 then testified in a termination of parental
23 rights trial. And then I guess Judge Buckworth
24 again.

1 Q. Okay. All right. Can you turn to
2 page 19, please, and at the top of the document?
3 Go ahead.

4 A. Monica Bocanegra, Hockessin Center
5 For Change, 710 Yorklyn Road, Hockessin. We
6 know to be her address. She testified the other
7 day as well. Circled, Laura's psychologist.

8 Q. There's a name to the top left?

9 A. Amy Butler. She was an attorney
10 that was involved with the Matusiewicz family as
11 well.

12 Q. And what is circled there below
13 her name?

14 A. KB.

15 Q. Next page, please. Okay. Page
16 20.

17 A. This is Courtney Emerson with her
18 home address, 112 Harmony Crest Drive, Newark,
19 Delaware. And Courtney Emerson testified the
20 other day here.

21 Q. Page 21, please. Okay. What do
22 we see here?

23 A. At the top it says Optometry Board
24 and then it lists Carl Maschauer. Below the

1 name it says Joe Senal. These are both eye
2 doctors in the State of Delaware. Dr. Senal I
3 believe is still on the Optometry Board and Dr.
4 Maschauer was on the Optometry Board, but is not
5 currently, I believe, today.

6 MR. McCALL: Can you go to 23,
7 please.

8 BY MR. McCALL:

9 Q. And what are we looking at on
10 again 23?

11 A. On the left, on the left, WB
12 Stooze, underlined, and then it says James
13 Woods, Jr., E-s-q, Esquire, with his contact
14 information. And then it says, lives at 126
15 D-e-w-b-e-r-r-y Drive, Hockessin, Delaware. And
16 then e-mail address, lawyer in Delaware. And
17 then it says, one van/one CAD.

18 Q. Now, what is significant about
19 that to this case, Special Agent?

20 A. Well, as Mr. Woods testified, and
21 we know he drove a minivan or was registered to
22 his family a minivan and a Cadillac.

23 Q. Next. 24, please. Page 24. And,
24 again, the top right, highlighted portion.

1 A. So D circled, WB circled, 2012.

2 Q. And whose personal information is
3 that?

4 A. That is the -- that is actually
5 the date of birth and Social Security number of
6 Jerald Purcell.

7 Q. Okay. And at the bottom?

8 A. Jerald Raymond Purcell with, you
9 know, 2401 Belford Drive, Wilmington, Delaware,
10 contact number.

11 Q. Page 25, please. And we're going
12 to look at just a series of names quickly here.

13 So you can just tick off the
14 names, and I think you've mentioned some of them
15 already.

16 A. Sure. Linda Morris in Newark,
17 Delaware, a friend of Dave Matusiewicz.

18 Magda Menner, a paramedic friend
19 of Dave Matusiewicz up in Northern New Jersey.

20 Sandy Peterson, also residing in
21 New Jersey, who testified the other day, friend
22 of Dave Matusiewicz.

23 And then Cindy and Joe Bender, and
24 then the word "rats" circled and off to the

1 right. Cindy Bender we heard the other day
2 testified and then Joe Bender is her husband.

3 Q. Page 26, please. This is page 26
4 and it appears to be contact information; is
5 that right?

6 A. It does.

7 Q. For who?

8 A. This is for David Matusiewicz.

9 Q. And in addition to the address, it
10 also lists a phone number for -- what does it
11 say at the bottom highlighted?

12 A. It's Dave's collect calls and then
13 the contact number.

14 Q. Okay.

15 THE COURT: And, members of the
16 jury, this makes reference to Mr. Matusiewicz
17 being incarcerated at different facilities. The
18 number of facilities someone is in is of no
19 significance. Right? He was serving time for
20 kidnapping, and people are just moved from place
21 to place. It has nothing to do with
22 characteristics.

23 BY MR. McCALL:

24 Q. Page 27, please. And, again, this

1 is more contact information for David
2 Matusiewicz; is that correct?

3 A. That's correct. David
4 Matusiewicz. FDC is Federal Detention Center.

5 Q. Page 28. Same thing here. More
6 contact information?

7 A. Yes. The previous was
8 Philadelphia. Now it's Brooklyn.

9 Q. All right. Page 29. All right.

10 Okay. Let's take our time through
11 page 29. Starting at the top, what does the top
12 highlighted portion indicate?

13 A. It says WB TEL, with a telephone
14 number.

15 Q. Okay.

16 A. Being Delaware, they did not list
17 the 302.

18 Q. Fair enough. We move down. The
19 first highlight where the date is highlighted.
20 Just start at the left where the word is circled
21 and work your way over.

22 A. Sure. It says M-o-n. It appears
23 to be Monday circled, 3/1/2010, 11:15 a.m. WB
24 back to work, Simon Eye.

1 Q. Keep going.

2 A. Tuesday, or Tues - visited David,
3 Brklyn, Brooklyn.

4 3/2/2010, Wednesday, Wed. 12:30.

5 WB work, NM gone, G-o-n-e. "Car NP.")

6 3/4/2010, T-h-u-r-s, Thursday.

7 2:00 p.m. WB work, NM gone, (car NP?)

8 3/5/2010, Friday. Didn't get
9 there.

10 Monday, or MON, 3/8/2010. WB
11 met -- oh, at 9:00 a.m. I can't make out that
12 one word there. JB, LB, four WK, 9:00 a.m., and
13 then on the further right, NM, not at home.

14 Tuesday, 3/9/2010, WB at work,
15 8:27 a.m. WB -- I can't make out the next.

16 Q. Okay.

17 A. Wednesday, 3/10/2010, 8:30 to
18 9:00 a.m. WB not, and then the sign you would
19 find on the computer, at W.

20 Thursday, 3/11, WB, the at again,
21 H, 9:00 a.m. Move Karen tutor time. 5503
22 Stoney Batter Road, near W/WB work.

23 3/12/10, WB at work, or the sign
24 at work.

1 Q. Okay. And, again, when you see
2 NM, that's a reference to what based on the
3 investigation? What words?

4 A. Jerald Purcell, or new mark.

5 Q. Now, in your capacity as an FBI
6 agent, how long have you been an agent for
7 again?

8 A. Went to the Academy in 2002, but
9 over 13 years now.

10 Q. All right. And how many --
11 roughly, how many times have you conducted
12 surveillance?

13 A. More than I can count easily.

14 Q. Can you tell the jurors, when you
15 conduct surveillance, what are you trained to
16 do?

17 A. Every little bit of information
18 may be important, so we document and we take
19 notes, and we generally refer to it as a
20 surveillance log.

21 So we're gathering pattern of life
22 information. If there's something specific or,
23 you know, writing down license plate numbers or
24 watching people come and go from areas of

1 interest. So we -- they're a target of our
2 investigation for some reason, we're trying to
3 determine what they're doing simply through
4 surveillance and keeping a log of it.

5 MR. McCALL: Can you back out,
6 please?

7 BY MR. McCALL:

8 Q. And where it said Tuesday visited
9 David, Brklyn, one of the facilities that David
10 Matusiewicz was housed in was where?

11 A. The Federal Detention Center in
12 Brooklyn, New York.

13 MR. McCALL: Next page, please,
14 which I think is -- I'm sorry.

15 May I have one moment, your Honor?
16 I've lost my spot.

17 THE COURT: You may.

18 MR. McCALL: Okay. Page 30.

19 BY MR. McCALL:

20 Q. All right. Page 30.

21 A. Okay.

22 Q. What is highlighted here?

23 A. So highlighted is the word
24 "worthless," circled and that's just above help

1 or hindrance, Hockessin Center For Change, and
2 then at the bottom, Dr. Monica Bocanegra and in
3 between, that is the address of her office.

4 MR. McCALL: Page 31, please.

5 BY MR. McCALL:

6 Q. Top left?

7 A. It says grandmother's IMP choice,
8 which I would, in the course of the
9 investigation, Grandmother's Impossible Choice,
10 and then Barbara Walters.

11 MR. McCALL: Page 32, please,
12 bottom right, or the whole -- thank you.

13 BY MR. McCALL:

14 Q. Focusing --

15 A. So --

16 MR. McCALL: Hold on one second.

17 MR. IBRAHIM: May we see the Court
18 at sidebar?

19 THE COURT: Yes.

20 (Sidebar conference held out of
21 the hearing of the jury as follows.)

22 MR. IBRAHIM: A Juror needs a
23 comfort break. I'm in a position where I see
24 it.

1 THE COURT: That's good. I will
2 announce that and we'll just settle here for a
3 minutes. Okay?

4 (End of sidebar conference.)

5 THE COURT: Members of the jury,
6 it's almost 10:30. We'll take a brief
7 mid-morning break. All right?

8 (The jury was excused for a short
9 recess.)

10 THE COURT: Off the record.

11 (Discussion held off the record.)

12 THE COURT: So as long as we're
13 here, is there anything else we need to discuss,
14 or we'll all just take a break.

15 MR. IBRAHIM: Sounds like a good
16 idea.

17 MR. EDELIN: A break sounds good
18 to me.

19 THE COURT: All right.

20 (End of sidebar conference.)

21 (Short recess taken.)

22 - - -

23 (Proceedings resumed after the
24 short recess.)

1 THE COURT: Are counsel ready for
2 the jury?

3 MR. McCALL: We are, yes.

4 THE COURT: If everyone is
5 situated?

6 MR. BOSTIC: I'm missing Ms.
7 Chavar, your Honor. Let me see if she is in the
8 hallway and get her quickly.

9 THE COURT: All right.

10 MR. BOSTIC: Here she comes.

11 THE COURT: All right. We're
12 bringing in the jury.

13 (The jury entered the courtroom
14 and took their seats in the box.)

15 THE COURT: All right. Welcome
16 back. We will continue with the direct
17 testimony.

18 BY MR. McCALL:

19 Q. Okay. Special Agent Gordon, we're
20 looking at Government Exhibit 60, page 32, and
21 the bottom section of this document.

22 Can you explain to the jurors what
23 the highlighted portion indicates?

24 A. Sure. It has the name Crowell,

1 C-r-o-w-e-l-l, Judge Crowell, and then the
2 initials or letters "KB" and circled.

3 Q. And, again, Judge Crowell was who
4 in the context of this case?

5 A. She was the Judge who oversaw the
6 termination of parental rights, and the Family
7 Court on the left, Family Court, 500 North King
8 is the address of the courthouse.

9 Q. Okay. And just so the record is
10 clear, when you say "the termination of parental
11 rights," you mean the trial that occurred for
12 that issue?

13 A. The termination of parental rights
14 trial.

15 MR. McCALL: Page 34, please.

16 BY MR. McCALL:

17 Q. Okay. And what are we looking at
18 here that is highlighted on page 4?

19 A. It says Lee, Christine's diary,
20 1991.

21 Q. And what does it say? What's the
22 first line?

23 A. Mad at boy in her diary.

24 Q. And based on the investigation,

1 what did you understand that to be a reference
2 to?

3 A. Christine Belford, you know, a
4 teen-ager, had a diary, and the Matusiewicz
5 family were in possession of it.

6 MR. IBRAHIM: Objection.

7 BY MR. McCALL:

8 Q. Well, let me ask it this way: Did
9 someone receive -- did someone in this case
10 receive copies of the Belford's diary in the
11 mail?

12 A. Yes.

13 Q. And that was who? Do you
14 remember?

15 A. Ms. Lawson.

16 MR. IBRAHIM: Judge --

17 THE COURT: I'm not sure that
18 deals with the objection. I think the objection
19 was to the use of the term Matusiewicz.

20 BY MR. McCALL:

21 Q. That was a packet that was sent by
22 Thomas Matusiewicz?

23 A. That's correct.

24 MR. IBRAHIM: I understand it's a

1 misspeaking, a general term.

2 THE COURT: Understood.

3 Clarified. Thank you.

4 MR. McCALL: You're welcome, your
5 Honor.

6 BY MR. McCALL:

7 Q. Page 35, please.

8 A. So the name Sam Romirowsky,
9 psycho, Omega Prof Center, or Ctr., 52 Omega
10 Drive, Newark, Delaware. That is the office
11 location for doctor Samuel Romirowsky who you
12 heard from, and to the left of his name are the
13 letters KB and circled.

14 Q. Page 36, please. This is contact
15 information for what parties? Which party?

16 A. On the top it says Gotthold plus
17 Jason Hann-Deschane. Dr. Gotthold and Dr.
18 Hann-Deschane, as you heard, are the
19 pediatricians for the children, and it is one of
20 the office locations listed for Appoquinimink
21 Pediatrics, which is the name they operate under
22 down in Townsend, Delaware.

23 Q. And then as you continue down the
24 document, it's contact information for?

1 A. Sure. DYFS, State of Delaware.
2 Child Report Abuse. I'm sorry. State of
3 Delaware, Wilmington, Delaware, and then to the
4 right, Child Report Abuse. And then at the
5 bottom, Division of Family Services, and then
6 two lines below that, New Castle County Police
7 Department.

8 Q. Okay. Page 37, please. All
9 right. Let's start at the top and work our way
10 down the highlighted sections.

11 A. So it says Katy Moffa farmed out
12 to, and then James Belford, in jail/prison.
13 Below that, lunatics, family doctor, and the
14 name John -- I can't pronounce it again.

15 Q. That's the same name we saw
16 earlier?

17 A. Yes.

18 Q. A doctor for Christine Belford?

19 A. It is.

20 Q. All right. As you continue down?

21 A. And then at the -- it says
22 Laura/Leigh/Karen taken to, and, again, the
23 pediatrician's, you know, office, and Dr.
24 Hann-Deschane. And there it says Dr. Jason

1 Deschane. And then below that, Marc Richmon,
2 who you heard testify, the psychologist for
3 Christine. It says, Marc Richmon, lunatic
4 psychologist. And then it says lunatic on, and
5 then lists several medications: Xanax, Lexpro,
6 Wellbutrin, Paxil, codeine.

7 Q. Page 39, please. Okay. And if
8 you can highlight --

9 A. So now we're inside, this would be
10 inside the last -- the back cover, if you will,
11 of the red notebook. So this is the, the kind
12 of hard back cover, just inside the inside
13 portion of it. That's a photograph from a
14 newspaper cutout of Judge Sleet.

15 Q. How was this affixed onto the
16 notebook, Special Agent Gordon?

17 A. It was taped into the, into the
18 back page, if you will.

19 Q. All right. And what's
20 highlighted?

21 A. Right above his picture are the
22 letters KB and circled.

23 Q. Page 41, please. Okay. And now
24 we're out of the notebook. Well, we're out of

1 the pages that are in the spiral portion of the
2 notebook. Is that correct, Special Agent?

3 A. Yes. So the spiral notebook, you
4 know, that metal, round, spiral Composition
5 notebook, as you can call it, and then we have
6 now gone through page by page of the bound part
7 of it, and these are pages that were stuffed
8 into the notebook. Maybe, you know, printed-out
9 pieces of paper that were stuffed in it.

10 Q. All right. And, again, what are
11 we looking at on page 41 of this exhibit?

12 A. So it says, it looks like
13 descriptions of vehicles. Black Suburban and
14 then it says WT, two-dr. You know, white
15 two-door Toyota, Celica/Supra. Lights pop up in
16 front and then a license plate number.
17 Actually, that's the plate that comes back to
18 the neighbor of Christine Belford on Donegal
19 Court.

20 Q. Okay. Page 42, please. What's
21 42?

22 A. This was a loose photograph that
23 was in the notebook, and this is a photograph of
24 the Honda Odyssey, minivan registered to

1 Christine Belford.

2 Q. All right. Let's push this off to
3 the side and let's pull something out of the
4 Vista Con bag that was previously seized in this
5 case. Exhibit 242.1, page 1.

6 And, again, the Vista Con bag is
7 from the Mitchell residence, is that right, in
8 Maryland?

9 A. Correct. So what you are looking
10 at, like I said, on the left is an actual
11 photograph like you get from the old photomat, I
12 guess, or printout at Walmart or something.

13 On the right, they were one page
14 together. They were apparently scanned or
15 photocopied together, and that's how that page
16 appeared with all four photographs. And that
17 one on the right came out of the Vista Con bag,
18 which was at the -- the night before the
19 shooting incident, David, Thomas and Lenore
20 Matusiewicz stayed with the Mitchells in Elkton,
21 Maryland.

22 Q. All right. Can we turn to page
23 46, please. Okay?

24 MR. McCALL: And can you blow up

1 this e-mail?

2 BY MR. McCALL:

3 Q. Who is this e-mail from, Special
4 Agent?

5 A. So this is the e-mail, present
6 e-mail of David Thomas, Thomas Matusiewicz, the
7 Coreline e-mail system. It's from David. It's
8 dated 11/5/2010.

9 Q. Okay. And can you read the first
10 paragraph, where it -- just to the right of
11 message?

12 A. Sure. "Of course, I just spent a
13 few hours with mom and dad discussing the
14 upcoming hearing. They told me you don't have
15 anything left to give (monetarily. I expect you
16 to donate your eternal soul to the case
17 otherwise). Thanks for the joke."

18 MR. McCALL: Can you back out,
19 please?

20 BY MR. McCALL:

21 Q. And who did you, based on the
22 investigation, understand him to be speaking to
23 in this e-mail?

24 A. Amy Gonzalez.

1 MR. McCALL: Page 48, please.

2 BY MR. McCALL:

3 Q. Again, can you tell the jurors
4 what we are looking at here on page 48 of this
5 exhibit?

6 A. e-mail from David Matusiewicz,
7 dated 11/5/2010, and then the e-mail message
8 with handwriting off to the side.

9 Q. All right. And what does the,
10 what does the e-mail, the unredacted portions
11 e-mail indicate?

12 A. It says Orlov not going to be able
13 to say that Laura was abused.

14 Q. Orlov. Let me stop you there.
15 Who is Orlov?

16 A. Dr. Marcia Orlov was the
17 psychologist who testified in the termination
18 of parental rights trial for David Matusiewicz.

19 Q. When you say "for David
20 Matusiewicz," Dr. Orlov was a witness called by
21 David Matusiewicz; is that correct?

22 A. That is correct.

23 MR. McCALL: Page 52, please.

24 BY MR. McCALL:

1 Q. What's 52?

2 A. So, again, the name James Woods
3 with a P.O. Box, and then his address, 126
4 Dewberry Drive. That was one thing, you know,
5 we confirmed that he lived in the Ramsey Ridge
6 development. That's where Dewberry Drive is
7 located. And then another listing, you know,
8 possibly an old address for Mr. Woods.

9 MR. McCALL: Page 53.

10 BY MR. McCALL:

11 Q. This is a copy of what?

12 A. So this is another copy of the
13 government form DD214. This is -- you know, you
14 can now read it. There's the DD214 for Thomas
15 Stanley Matusiewicz with the service number and
16 Social Security number.

17 He retired from the Navy as a
18 petty officer, third class photographer.
19 Released from active duty where he was last
20 stationed.

21 Q. All right. Page 61, please. Page
22 61 is the first page of a report; is that
23 correct?

24 A. Yes. A comprehensive report.

1 Q. And who is the report about?

2 A. Jerald Purcell.

3 Q. All right. And there's 14 or
4 15 pages that accompany this report; is that
5 correct?

6 A. Yes.

7 Q. And just tell the jurors, what
8 kind of information is contained in these, these
9 comprehensive reports?

10 A. Sure. There are companies that we
11 as law enforcement can sign up with. You know,
12 the FBI, you know, contracts that we have access
13 that we can go in and identify somebody using
14 the name, address, Social Security number and
15 then get all the details that have been gathered
16 by these aggregate companies. You have to pay
17 for it and have a law enforcement use for it.
18 They also sell this to private individuals, such
19 as private investigators. Essentially, we call
20 it, you know, maybe a trade name. We use the
21 trade name of which company we're using.

22 So generally a comprehensive
23 report is, you've got either by their name,
24 Social Security number, address. You type that

1 in. You start typing, get a report of
2 everything that touches that name, Social
3 Security number. So previous addresses, prior
4 Court actions that are public.

5 So it's essentially public
6 information gathered, but because of the Social
7 Security number, it's limited. You know, in
8 some cases law enforcement the use the whole
9 Social Security number, I believe, but private
10 investigators would only get a portion of it.
11 They wouldn't get the whole Social Security
12 number. But in this case, this is a full report
13 on Jerald Purcell with all of the information
14 that was aggregated.

15 Q. Does it even include bank account
16 or financial information on a person?

17 A. It can. It can.

18 Q. Okay. Now, page 78, please.
19 Okay. Another slip of paper found in the red
20 notebook. What is page 78?

21 A. It's Simon Eye, 45,000, and then
22 the address, the suite number and the address on
23 Limestone Road. It says Opt Tech. Probably
24 Optician Tech. And then below that, you know,

1 contact number, and then the Social Security and
2 date of birth of Christine.

3 Q. All right. And that's where she
4 worked at that Simon Eye optometry practice; is
5 that correct?

6 A. Yes.

7 Q. And below that, again, it's just
8 more contact information for whom?

9 A. Yes. Jerald Purcell with his
10 Social Security number, address, date of birth,
11 and then his name again with another address.
12 Those are previous addresses that he was known
13 to have been involved in, meaning resided at or,
14 you know, stayed at.

15 Q. Page 79, please. All right. What
16 do we see here in the highlighted portion?

17 A. So starting at the center top,
18 James plus Susan A. Woods (WB). And then to the
19 left, the letters KB and circled, and then his
20 address. And that's the subdivision that I
21 referenced, and then tax information. And then
22 it says, 4200 square foot, two-story colonial,
23 four BD, four bedroom.

24 Q. Okay.

1 A. It appears to be again information
2 about James Woods' address, his wife, and some
3 details about the house.

4 MR. McCALL: Can we push this
5 document off to the left, please? Pull up
6 Government Exhibit 60, page 18.

7 BY MR. McCALL:

8 Q. All right. Do you see anything on
9 page 18 that is similar to page 79?

10 A. Sure. Two -- okay. If you start
11 at the bottom and count up four names, you see
12 words. On the right from the HL document that
13 was contained in the red notebook, and then on
14 the left, James Woods.

15 Q. And Special Agent, there's two
16 letters off to the left of James Woods' name; is
17 that correct?

18 A. There are.

19 Q. What are those letters again?

20 A. KB.

21 Q. Other people in the red notebook
22 have the letters KB next to their name; is that
23 correct?

24 A. They did.

1 Q. Who were those people, if you
2 recall?

3 A. Kim Lawson, Judge Sleet. There
4 was one -- Kim Lawson, Judge Sleet. There was
5 one on the same page as Judge Crowell, but there
6 was another name near it.

7 Q. Okay. How about Romirowsky?

8 A. Yes. Sorry. The bottom. If you
9 see Sam Rom. In the book, Sam Romirowsky had KB
10 next to it as well.

11 Q. Let's turn to Government
12 Exhibit 60, page 80. What's this?

13 A. So as we heard from Betty Lou
14 Griffith the other day, this is the Trend real
15 estate information printout that a realtor would
16 have access to if you were buying a house. And
17 this was found with the red notebook. At the
18 top it says Lee and Tom. And this is the
19 information for 15 Donegal Court and that's a
20 picture of the residence at 15 Donegal,
21 Christine's home.

22 Q. Can we go to page 88, please.
23 Again, there are documents inside the red
24 notebook; is that correct?

1 A. Correct.

2 Q. Okay.

3 A. Inside the red notebook. Here is
4 continuing through the Trend report, and then
5 it's a picture of the stairwell up to a, you
6 know, second floor, and then the handwritten
7 words, "kids room" with a line drawn through the
8 door.

9 Q. Page 90, please. What do we see
10 on 90?

11 A. Interior picture of the house.
12 Bedroom, and it says Leigh/Karen's room.

13 Q. 92, please.

14 A. Interior picture of the house, of
15 the bedroom.

16 Q. 94, please.

17 A. Interior picture of the house,
18 bedroom, and handwritten, Laura's room.

19 Q. Special Agent Gordon, which
20 witness identified the accuracy of the
21 handwriting on this document in the course of
22 the trial so far?

23 A. The room descriptions were told to
24 us by Laura Matusiewicz, that they were

1 accurate.

2 Q. Page 96.

3 A. Interior picture of the house,
4 bedroom, and it says WB room.

5 Q. Page 98. And that's a picture of
6 the backyard; correct?

7 A. It is.

8 Q. Page 100.

9 MR. McCALL: Okay. Can you blow
10 that up?

11 BY MR. McCALL:

12 Q. And, again, we saw this e-mail in
13 another form during the testimony of Betty Lou
14 Griffith; is that correct?

15 A. That's correct.

16 Q. And what was the attachment that
17 came along with this particular document?

18 A. In this one, it's an e-mail from
19 Betty Lou to AlBBQ, which is the address, e-mail
20 address utilized by Tom and Lee. And it says, I
21 am attaching the seller's disclosure for her
22 property. Her signature is on page 7.

23 So the seller's disclosure is if
24 you've ever sold a house, you have to disclose,

1 you know, any problems you have or that it has
2 this many rooms or, you know, whatever.

3 So when Christine Belford listed
4 her home for sale, you know, like any other
5 person, she would have had to make a seller's
6 disclosure about details of the house. So she
7 filled that out and gave that to her real estate
8 agent, and Betty Lou Griffith was able to obtain
9 it and send it to Tom and Lee Matusiewicz.

10 Q. And that's what we're scrolling
11 through right now, the seller's disclosure that
12 was in this e-mail behind the red notebook; is
13 that correct?

14 A. Yes. Each page is a handwritten,
15 you know, check-off notes, whatever, that the
16 seller went over, or Christine went over with
17 her real estate agent and would have filled that
18 out.

19 Q. And can you go back to the last
20 page?

21 A. And then the seller would sign it
22 and date it, and then a prospective buyer would
23 get this and then they would review it with the
24 real estate agent.

1 Q. Okay. Whose name is there?

2 A. Christine Belford.

3 Q. What's the date?

4 A. 12/4/2011.

5 Q. How many days after, or what was,
6 what was significant about that date, Special
7 Agent Gordon?

8 A. Well, three days prior to
9 December 4th, on December 1st, Tom Matusiewicz
10 and Lenore Matusiewicz were seen by her
11 neighborhood, and then Tom Matusiewicz was
12 accompanied by Private Investigator Michael
13 O'Rourke to her front door.

14 Q. All right. That finishes the
15 documents and pages from the red notebook, and
16 now I want to move to the search that was
17 conducted of the Edcouch, Texas residence.
18 Okay?

19 A. Okay.

20 Q. And again, just so we're orienting
21 the jurors, at the time this search occurred,
22 who was believed to be residing in that house?

23 A. At that time, this is a day after
24 the shooting, Tom Matusiewicz is residing there.

1 Well, was residing there, Lenore Matusiewicz,
2 and David Matusiewicz.

3 Q. All right.

4 MR. McCALL: Could we pull up on
5 the one side of Exhibit 71-01, and on the other
6 side, Exhibit 75-B-01.

7 BY MR. McCALL:

8 Q. All right. And now we're going to
9 be going through the documents in terms of where
10 they were recovered in the house; is that
11 correct, Special Agent?

12 A. That's correct.

13 Q. Now, starting with Government
14 Exhibit 71 on the left and 75-B, can you just
15 reorient the jurors what they are looking at?

16 A. Sure. So the left is generally
17 the diagram of the residence, the residence of
18 Tom and Lenore Matusiewicz and where David was
19 staying as well.

20 As you look at the bottom of the
21 screen, that would be the front of the
22 residence, and to the right where it's being
23 blown up, that would be the front door.

24 And as you walk in the front door,

1 you know, it's like a small foyer, and as you
2 look at the picture on the right, you're
3 essentially standing just inside the front door,
4 maybe a step or two to the left, and you're
5 looking at a closet that would face you. And
6 just next to that closet out in the foyer are
7 two boxes, plastic boxes like a gray-black
8 rolling box, one on top of the other.

9 Q. I'm using my laser pointer just to
10 be clear. Where I'm pointing on the word
11 "foyer," that's where the boxes were found that
12 were seen in 75-B?

13 A. Correct.

14 Q. So right when you open the door?

15 A. Yes. So if you are, if you were
16 the picture-taker, you would be standing just
17 inside the front door.

18 Q. All right. Let's look at
19 Government Exhibit 75-C.01. And what's this
20 again?

21 A. So there were four of these type
22 boxes, the two that you didn't see at the front
23 door there. They all had hanging file folders
24 in them.

1 What you are seeing is a picture
2 of the one on top of the two at the front door
3 with the top taken off, and then the file
4 folders with either printed or handwritten
5 dividers.

6 Q. And all of these documents were
7 seized. Is that correct, Special Agent?

8 A. They were. All four of those
9 plastic containers were seized.

10 Q. And --

11 A. Along the other things.

12 Q. I'm sorry. And prior to your
13 testimony today, you reviewed all of these
14 documents; is that correct?

15 A. I did.

16 Q. And we're about to go through a
17 series of documents for purposes of the
18 presentation this morning; is that correct?

19 A. We are.

20 MR. McCALL: Could we please turn
21 to Government Exhibit 123.

22 BY MR. McCALL:

23 Q. Okay. The highlighted top part
24 is, it says what?

1 A. "A Grandmother's Impossible
2 Choice."

3 Q. Now, we've seen this document
4 before; is that correct?

5 A. Yes.

6 Q. All right. I'm not going to go
7 through it, but I do want to go to the red flag.
8 There's a series of paragraphs marked red flag;
9 is that correct?

10 A. There are a number.

11 Q. Let's go to red flag No. 9, which
12 is on page 6.

13 Okay. Now, red flag No. 9, can
14 you just summarize it, Special Agent Gordon?
15 What does it talk about in detail?

16 A. So, you know, this refers back to
17 when the Matusiewicz family, meaning, you know,
18 David Matusiewicz, Christine Belford and the
19 children, including Katy Moffa and Lenore
20 Matusiewicz, were all located in Delaware, down
21 in Middletown. And essentially the allegation
22 in here is that Lee met, I'm sorry, Lenore
23 Matusiewicz was poisoned when Katy Moffa gave
24 her tea.

1 Q. Katy Moffa; right?

2 A. Katy Moffa.

3 Q. Okay. Approximately in 2004, how
4 old would Katy Moffa have been?

5 A. She would have been about nine, I
6 believe.

7 MR. McCALL: Could you please go
8 to page 23, and then can you just enlarge the
9 highlighted section with the names?

10 BY MR. McCALL:

11 Q. Can you read the highlighted
12 section of page 23 of this exhibit?

13 A. Here is an, all caps, very short
14 list of mothers who killed their children for a
15 variety of reasons recently.

16 Q. And then it lists two columns of
17 names of women; is that correct?

18 A. It does. Yes. I mean, it's just
19 names of these individuals who allegedly were,
20 you know, had some -- some involvement in
21 killing kids, although like Lydia Trueblood I
22 looked up I think was in the 1800s.

23 Q. All right. How about Andrea
24 Yates?

1 A. One of the more recent famous ones
2 accused of killing her kids.

3 Q. Let's turn to Exhibit 125. All
4 right. Can you tell the jurors what Exhibit 125
5 is?

6 A. So this is a photocopy scan of
7 those hanging file folders. That's why you
8 really don't see anything except the little top
9 tab.

10 So, you know, as I said in the box
11 are arranged by the hanging file folders, and
12 this is the one marked sale, DCD.

13 Q. All right. I want to take a
14 moment and go back to the picture of the folders
15 in the box.

16 MR. McCALL: And can you enlarge
17 it?

18 THE WITNESS: So if you look in
19 the middle of the screen, you'll see the name.
20 Green is an easy reference right there,
21 Romirowsky. And then if you look slightly up to
22 the right, you'll see in white with black
23 little, sale of DCD.

24 MR. McCALL: Can you highlight

1 that, please?

2 BY MR. McCALL:

3 Q. Is that the actual file folder
4 that we're looking at in Government Exhibit 125?

5 A. It is.

6 Q. Okay. All right. Sale of DCD.
7 Based on the investigation, what does DCD stand
8 for?

9 A. Physician Center of Delaware,
10 which was David, you know, David's office that
11 he owned down in Newark.

12 Q. Okay. So this box of documents
13 contains information about the sale of David
14 Matusiewicz's optometry practice; is that
15 correct?

16 A. Correct.

17 Q. Among other things?

18 A. Yes.

19 Q. All right. Let's look at
20 Exhibit 130 now. Now, properties. Where is
21 properties in this box of --

22 A. Right. So if you look, now if you
23 look in the lower third, there you go, you'll
24 see the hanging file that says Pro. So it's

1 cuts off by a page that's sticking up, and then
2 just ahead of it, you'll see 15 Donegal Court.
3 So from there, the whole tab would read
4 properties, if you could read it on the right.

5 Q. All right. And then let's look at
6 Exhibit 131, please.

7 A. So, again, 15 Donegal Court is the
8 divider, manila divider within the properties,
9 hanging folder.

10 Q. Okay. Now let's pull up
11 Exhibit 132. What is Exhibit 132?

12 A. So this is a deed for -- dated 26
13 of November 2007. It's from a couple who are
14 selling the 15 Donegal courthouse to Christine
15 Belford.

16 Q. Okay. Now let's turn to
17 Exhibit 133. What's 133?

18 A. So an e-mail printed out, dated
19 October 8th, Levin. "Betty Lou, Hi. If you
20 ever decide to give up selling houses and go
21 into private investigation, Tom and I will give
22 you absolutely glowing references."

23 This is the e-mail from Tom and
24 Lee Matusiewicz using AlBBQ to Betty Lou

1 Griffith, as we heard the other day.

2 Q. Exhibit 134.

3 A. So Juno is the A1BBQ, is a Juno
4 service or company name, the e-mail service.

5 So this is from Amy Gonzalez using
6 the AOL account to AIBB2@juno.com, October 6,
7 2011.

8 Q. Okay. Now, what's the subject
9 line here? It's important. What does the
10 subject line say?

11 A. This says, "Communication with
12 David."

13 Q. And what's the first portion of
14 the highlighted document?

15 A. So --

16 MR. BOSTIC: Objection. May we
17 see the Court at sidebar briefly?

18 THE COURT: Yes.

19 MR. BOSTIC: May I take the
20 document down, please?

21 (Sidebar conference held out of
22 the hearing of the jury as follows.)

23 THE COURT: Do I need my copy or
24 can I work from yours?

1 MR. BOSTIC: You can look at mine.
2 I think this is one that -- I think this is one
3 that we started to talk about with --

4 THE COURT: I will let you guys
5 get side by side.

6 MR. McCALL: Thanks.

7 MR. BOSTIC: I thought this
8 related to the FFA.

9 MR. McCALL: I can redact it
10 really quickly.

11 MR. BOSTIC: All right.

12 MR. McCALL: Can I just redact it
13 right now?

14 THE COURT: That's fine.

15 MR. McCALL: Can I see your copy?

16 (End of sidebar conference.)

17 THE COURT: Ladies and gentlemen,
18 as I told you, the attorneys have worked so hard
19 to go through documents in this case. Everyone
20 every now and then, there's one we need to do a
21 little surgery on. We're going to do that now.

22 We ask your indulgence because with
23 this many documents to go through, we can't
24 catch everything. All right? So in just a

1 moment, the government will deal with the
2 objection, and then we'll proceed.

3 (Pause.)

4 MR. McCALL: All right. Can we
5 pull back up Exhibit 135.

6 BY MR. McCALL:

7 Q. All right. Now, again, the
8 subject line of 135 says, communication with
9 David; is that correct?

10 A. Correct.

11 Q. And can you read the first
12 highlighted portion? This is from Amy Gonzalez;
13 is that correct?

14 A. This is from Amy Gonzalez, and the
15 first highlighted portion is all in capitals.
16 This is a message I got from David regarding the
17 appraisal mom got sent back to her. Please
18 share this e-mail with mom so she knows what to
19 do. Is she still trying to get the appraisal
20 Christine had done in October/November 2005?
21 Let me know.

22 I told David that I thought she
23 was trying to contact the lady that did it. He
24 is also requesting to get the info on the

1 account that she had are set up when she was
2 planning on separating from him. Read on.

3 Q. Now, based on the investigation,
4 what does the next part appear to be?

5 A. Putting in context then, it's
6 David, the text of David's e-mail.

7 Q. Okay. Can you start with the
8 paragraph, "Wouldn't"?

9 A. "Wouldn't be surprised if the ex
10 is just suspicious of Cindy and playing games
11 with her by telling her she separated from hubby
12 number 3. Have your friends be careful. She
13 hasn't been in her right mind since 2005 and I
14 doubt she'll get better without someone
15 correctly diagnosing her first. Charlotte
16 Stubbins, who knew Chris better than most,
17 stated that the that the mentally ill are
18 amazing in acting normal in some cases."

19 Q. Can you go down to the bottom
20 highlighted portion?

21 A. "Contacting Jerald Purcell may or
22 may not be a good idea. If he's still in the
23 picture, she may be using him/the new guy to
24 find out if we're still checking up on her. As

1 if I'd give up on trying to protect Laura, Leigh
2 and Karen regardless of what some ill-informed
3 idiot Delaware Judge states. Love ya."

4 Q. And then it says, LOVE YA, AMY."
5 Right?

6 A. Yes. All caps, LOVE YA, AMY.

7 THE COURT: Mr. McCall, I think
8 when you began that colloquy, you said 135 and
9 it's actually 134.

10 MR. McCALL: Thank you.

11 THE COURT: That's all right.

12 MR. McCALL: Thank you, your
13 Honor. Yes. That was 134.

14 BY MR. McCALL:

15 Q. Okay. Now can we turn to
16 Exhibit 135? Okay. 135, what's 135?

17 A. So this is a manila envelope with
18 handwriting on the outside and both angles
19 there. The easier one to read is properties.
20 James Woods, Jr., 126 Dewberry Drive. Christine
21 Belford, 15 Donegal Lane. It's rewritten, but
22 the number on Donegal looks like 50 at that
23 point.

24 Q. Okay. And can we turn to 136.

1 What is Government Exhibit 136?

2 A. So this is a piece of paper, you
3 know, found there. It's a printout from a Web
4 page, Google search of 126 Dewberry Drive with a
5 Google street view, map view.

6 Q. Now, Special Agent, this document
7 is found in a box that is in the foyer of the
8 house; is that correct?

9 A. That is correct.

10 Q. And in the box is not only an
11 e-mail from David Matusiewicz, but documents
12 regarding the sale of his optometry practice; is
13 that correct?

14 A. That's correct.

15 Q. Okay.

16 MR. McCALL: Can you please turn
17 to 137.

18 BY MR. McCALL:

19 Q. What is 137?

20 A. So the same thing. Google Maps,
21 street view, and this is a picture of Donegal
22 Court.

23 Q. What's the date?

24 A. 1/22/2012 on the lower right.

1 Q. 138, please. Exhibit 138. What
2 is Exhibit 138?

3 A. So this is the listing information
4 for 15 Donegal Court in Newark, Delaware. And
5 you can see that the owner circled Christine, or
6 Belford, Christine, 15 Donegal Court, Newark,
7 Delaware, and then details about the house, the
8 record date. You know, the transfer of property
9 record date, settlement date, that type of
10 thing.

11 Q. Exhibit 139, please. All right.
12 This is more information about 15 Donegal Court;
13 is that correct?

14 A. That's correct. The real estate
15 information.

16 MR. McCALL: Can you please
17 enlarge the remarks section.

18 THE WITNESS: So under the remarks
19 section, it has several descriptions, and then
20 there's actual, I don't know if you can see it
21 on yours. Yes. There's underlined sections
22 throughout that description.

23 Q. Can you please just read what's
24 underlined in the remarks section, sir.

1 A. First floor master bedroom, two
2 large bedrooms on upper level. Two-car garage
3 with opener. Walk-out basement. Wonderful
4 community trail that winds through the
5 neighborhood.

6 MR. McCALL: Can you please move
7 139 to the left and pull up Government
8 Exhibit 242, page 4. And can you highlight the
9 bottom right picture of 242, page 4.

10 Can you move it up so we can see
11 both at the same time?

12 BY MR. McCALL:

13 Q. All right. Now, again, before you
14 start -- hold on. Let us get situated.
15 Perfect. Okay.

16 All right. 242, page 4. Again,
17 where does that come from?

18 A. That's the Vista Con bag from the
19 residence in Elkton.

20 Q. Whose documents did you find in
21 the Vista Con bag?

22 A. David Matusiewicz.

23 Q. What's the handwriting that's on
24 242, page 4? What does it say?

1 A. It says, walking path alongside
2 house.

3 Q. The underlined portion, the last
4 underlined portion in the real estate listing
5 found in the foyer in the box that has documents
6 like David Matusiewicz's sale of the optometry
7 practice, what's underlined there?

8 A. Wonderful community trail that
9 winds through the neighborhood.

10 MR. McCALL: All right. Can we
11 turn to Exhibit 140.

12 BY MR. McCALL:

13 Q. All right. What is 140?

14 A. Another hanging file folder with
15 the top marked "Pediatricians."

16 MR. McCALL: 141, please.

17 BY MR. McCALL:

18 Q. What is Exhibit 141?

19 A. So this is a letter from Amy to
20 Dr. Curt Blacklock, dated January 10, 2012.

21 Q. Okay. And can you read -- it
22 starts off, I am David Matusiewicz's sister; is
23 that correct?

24 A. That's correct.

1 Q. Can you just go down to the
2 highlighted portion in the middle of the
3 document, read that?

4 A. "You or your staff members
5 witnessed Christine Belford physically abusing
6 Leigh in your office during the visit and
7 informed her that you would contact Child
8 Protective Services when she lashed back, quote,
9 'Do you know who I am? I am Dr. Matusiewicz's
10 wife,' end quote.

11 "Unfortunately, the call was never
12 made to Child Protective Services. I wish that
13 call had been mailed because maybe we would have
14 been able to prove that Christine is an unfit
15 mother back then. We need people like yourself
16 to come forward with these accountings of
17 Christine's behavior with the children."

18 Q. And then at the very end, what's
19 highlighted at the end?

20 A. It says, reads, go to www.Jon --

21 MR. BOSTIC: Your Honor, can we
22 see the Court at sidebar, please?

23 (Sidebar conference held out of
24 the hearing of the jury as follows.)

1 MR. McCALL: I will redact that.

2 THE COURT: Okay.

3 MR. McCALL: What I can do rather
4 than at sidebar, what I would propose, if you
5 just come get my attention, I will have Ms.
6 Nobling pull the document down. I will talk to
7 you. If we can work it out like that.

8 THE COURT: A sensible approach.

9 MR. BOSTIC: Can we go off the
10 record?

11 (Discussion held off the record.)

12 (End of sidebar conference.)

13 THE COURT: Ladies and gentlemen,
14 we're going to do some more editing. Counsel
15 has come up with a proposal. If there's
16 something that they would like to discuss, I
17 have granted them leave to do that without
18 coming to sidebar, and if they can resolve the
19 issue they will go ahead and do so. If they
20 can't, then we'll go to sidebar. Again, just in
21 the interests of efficiency. All right.

22 (Pause.)

23 THE COURT: Let me go back to
24 Friday, ladies and gentleman of the jury. I

1 talked about maybe doing a little work into the
2 early afternoon. Would you be game for that and
3 maybe break by 3:00 o'clock? Would that give
4 people enough of a head start?

5 I know some people are probably
6 downstate and they have beach traffic to worry
7 about, but would 3:00 o'clock work or is that
8 going to be too much of a burden?

9 A JUROR: Can we let you know
10 after lunch?

11 THE COURT: If there's a real
12 issue, by all means, communicate it. You may
13 need to confer first.

14 A JUROR: He's joking.

15 THE COURT: All right. Mr.
16 McCall, with that, you may proceed.

17 MR. McCALL: Thank you, your
18 Honor.

19 I'm going to pull back up --
20 sorry. Is this 140 or 141?

21 MR. BOSTIC: 141.

22 MR. McCALL: Thank you. Okay.

23 Right. If you could back out of 141, please.

24 BY MR. McCALL:

1 Q. And who is this letter -- who is
2 this letter from, Special Agent?

3 A. Amy Matusiewicz Gonzalez, R.N.,
4 819 Sinatra Drive, her residence in Edinburgh.

5 MR. McCALL: All right. Can we
6 turn to Exhibit 142 now? And can you enlarge
7 the body of text? 141, page 2. Sorry. Excuse
8 me. 141, page 2.

9 THE WITNESS: Another letter from
10 Amy. This is to Dr. Matthew Gotthold, dated
11 January 10, 2012.

12 BY MR. McCALL:

13 Q. Same letter that we just saw to
14 Dr. Blacklock?

15 A. Yes.

16 Q. Okay.

17 MR. McCALL: And can you back out
18 and can we look to see who wrote this letter or
19 whose name is on the bottom of the letter?

20 THE WITNESS: Amy Matusiewicz
21 Gonzalez, R.N., 819 Sinatra Drive, with contact
22 information.

23 MR. McCALL: Now can we turn to
24 Exhibit 142?

1 BY MR. McCALL:

2 Q. What is 142?

3 A. Another hanging file folder. This
4 one is marked O'Rourke. Private Investigator
5 was Michael O'Rourke.

6 MR. McCALL: And 143, please.

7 BY MR. McCALL:

8 Q. What is Exhibit 143?

9 A. So his company name is O'Rourke
10 Investigative Associates, Inc. As the disk is
11 marked, it's Matusiewicz v. Matusiewicz,
12 surveillance, 3/9/06 to 3/11/06, and then his
13 office number. So this is a disk --

14 Q. Yes. Go ahead. Describe it.
15 Have you had an opportunity to review it?

16 A. Yes, I have.

17 Q. All right. Tell the jurors,
18 what's on it?

19 A. So this is a disk containing
20 footage or video of somebody following a car.
21 So it's shot from the angle of somebody actually
22 driving a car. It looks down, looks at the
23 speedometer.

24 You can see the car they're behind

1 and then video of the children. So, I'm sorry.
2 The video of the car incident, at nighttime or
3 it's dark. And then the other video is the kids
4 out playing.

5 Q. What are the dates listed here on
6 this DVD?

7 A. 3/9/06 to 3/11/06.

8 Q. And based on your investigation,
9 what was O'Rourke Investigative Associates, what
10 were they hired to do during this time?

11 A. Follow Christine and investigate
12 Christine Belford during the separation, the
13 divorce.

14 MR. McCALL: Can you back out,
15 please. 145, please.

16 THE WITNESS: File folder marked
17 Rodriguez.

18 MR. McCALL: 146, please.

19 BY MR. McCALL:

20 Q. These are the documents that were
21 in the folder?

22 A. Yes.

23 Q. Okay. What's 146?

24 A. The name Jerald Purcell with

1 11/30/2011, and then address most current with
2 Wharton Drive listed. Then 15 Donegal Court and
3 then 260 Christiana Road, and then phone contact
4 numbers.

5 MR. McCALL: 147, please.

6 BY MR. McCALL:

7 Q. Again, what's Exhibit 147?

8 A. As I've described before that,
9 comprehensive report. So in this we could see,
10 you know, the aggregate information that can be
11 found. So subject information, you know, if
12 there's photographs. In this case, it indicated
13 none found. Arrest history, warrant history,
14 address summary, address details. So
15 information about the individual.

16 MR. McCALL: Okay. Can you back
17 out and just highlight the name that's in the
18 top right corner of the document, or enlarge it.

19 BY MR. McCALL:

20 Q. And, again, who is the name for
21 this comprehensive report?

22 A. Jerald Raymond Purcell, Sr.

23 Q. Same type of report that was found
24 in the red notebook; right?

1 A. That's correct.

2 MR. McCALL: 148, please.

3 BY MR. McCALL:

4 Q. Okay.

5 A. A better copy of the hanging file
6 folder marked polygraphs.

7 MR. McCALL: 149. Can you enlarge
8 that?

9 THE WITNESS: So --

10 BY MR. McCALL:

11 Q. What does it say?

12 A. Polygraph results sent to, and
13 then a list of names.

14 Q. And then if I could just direct
15 your attention to the bottom, the bottom portion
16 of the names where it says John Walsh, what does
17 that say?

18 A. All right. So we have John Walsh,
19 America's Most Wanted, Philadelphia Inquirer,
20 Prime Time, ABC, Channel 10, Channel 6, Channel
21 3, Barbara Walters. So various news outlets.

22 Q. Let's --

23 A. Locally and nationally.

24 Q. Okay. Can we turn to

1 Exhibit 150.01, page 1, please. What is this?

2 A. This is -- so this is the
3 polygraph done by Arbitration Polygraph Service,
4 or Gilberto Capuchina for -- and this page is
5 Lenore Matusiewicz and Amy Gonzalez, the cover
6 sheet.

7 Q. All right. What I'd like to do is
8 look at the document that's polygraph results
9 for Lenore Matusiewicz at 150.2, page 2.

10 MR. McCALL: And if you could push
11 that off to the left side.

12 Now, on the right side, could you
13 please pull up 638.04.

14 BY MR. McCALL:

15 Q. Now, 638, page 4, you've seen this
16 before; right? That's one of the DFS complaints
17 that has been discussed in this case; is that
18 correct?

19 A. Correct. So that's the report
20 says provided by DFS for the investigation,
21 referenced the Matusiewicz children.

22 MR. McCALL: All right. Can you
23 enlarge the highlighted portion of the DFS
24 report? Okay. And then can you enlarge

1 paragraph 3 of the polygraph results for Lenore
2 Matusiewicz.

3 BY MR. McCALL:

4 Q. All right. Let's start with the
5 DFS report. What does that say?

6 A. So the DFS report, it says, the
7 caller states that Laura's hymen was torn and
8 split and healed well. She also indicates that
9 the child's vagina was open when she was five
10 years old.

11 Q. And that says in 2007, the
12 sentence before; is that correct?

13 A. That is correct.

14 Q. What does the polygraph result
15 say?

16 A. It says, Mrs. Matusiewicz stated
17 she observed the juvenile victim's hymen was not
18 intact as she was applying ointment for the
19 rash.

20 Q. Let's turn to, on the left, if you
21 can pull up the polygraph results for Amy
22 Gonzalez. That's 150, I think page 4. And then
23 can you pull up on the right Government
24 Exhibit 40, page 2.

1 Can you highlight in Government
2 Exhibit 40, page 2, the section on Amy? Not
3 highlight -- enlarge. Thank you.

4 Can you enlarge paragraph 3 on the
5 polygraph report?

6 BY MR. McCALL:

7 Q. Now, Government Exhibit 40 is the
8 letter from, or the e-mail from Amy Gonzalez to
9 David Matusiewicz's attorney; is that correct?

10 A. That's correct.

11 Q. Again, one month after the
12 children are reunited with their mother; is that
13 correct?

14 A. Correct.

15 Q. Is there any mention of the G-spot
16 in that e-mail?

17 A. No.

18 Q. Okay. What does paragraph 3 now
19 in the polygraph report indicate? What does it
20 say?

21 A. Mrs. Gonzalez stated she
22 questioned the juvenile victim as to who told
23 her about the G-spot as the juvenile victim
24 replied, mommy.

1 MR. McCALL: Can you back out and
2 we'll look at the date of the polygraph.

3 THE WITNESS: Okay. It was
4 January 8th, 2011.

5 BY MR. McCALL:

6 Q. All right. I want to turn now to
7 the documents that were recovered in what we're
8 referring to as the living room off to the right
9 when you walk in the house. Okay?

10 A. Correct.

11 Q. All right.

12 MR. McCALL: Can you pull up
13 Government Exhibit 71, page 1.

14 THE WITNESS: So as you come in
15 the foyer, you know, in the front door, the
16 foyer is where we just were looking at the box
17 right in front, and you then turn to your right,
18 and that would be what is referred to as a
19 living room right.

20 MR. McCALL: All right. And can
21 you push that off to one side and pull up
22 77-E.1.

23 BY MR. McCALL:

24 Q. Okay. And, again, what are we

1 looking at in 77-E?

2 A. So now if you were there, you've
3 walked in the front door. You've turned right.
4 You've walked into the living room right, and
5 now you've turned all the way back around and
6 you're essentially facing the foyer, the foyer.

7 You could see kind of the black and
8 white on the floor there. That's the foyer.
9 And then to the right, you know, I described it
10 as a hutch or china cabinet. So you are now
11 standing with your back to the, kind of the
12 living room right area. You are just inside of
13 it.

14 Q. Okay.

15 MR. McCALL: Your Honor, if I
16 could see the Court at sidebar before I move to
17 the next exhibit.

18 THE COURT: All right. Shall I
19 bring the exhibit with me?

20 MR. McCALL: It's 682-A, page 1,
21 your Honor.

22 (Sidebar conference held out of
23 the hearing of the jury as follows.)

24 MR. McCALL: So, Judge, this has

1 not been admitted yet, but I want to compare it
2 to something in the house. It's an e-mail that
3 was recovered from the e-mail search warrant
4 done on Amy Gonzalez's e-mail account.

5 What it says is on November 30th,
6 2011, 310, it's from A1BBQ account to Amy
7 Gonzalez's account. This is the night before
8 they show up at Belford's house.

9 It says, Hello. CNW. Hi, Amy.
10 I'll be going with Mike to WB at 3:00 p.m.
11 tomorrow to see our grandchildren. He'll have
12 info on Purcell at that time. Home safe and
13 home closet, and it sets out the numbers. Clean
14 it out to another place, not in your home.
15 Motor home keys are left of side door, so on and
16 so forth, gives the combinations. Let you know
17 how things worked out, dad.

18 She writes back: Let me know how
19 it goes. Be careful. My temp cell. Love ya,
20 Amy.

21 One, it's relevant because it
22 shows her conspiratorial intent with respect
23 to --

24 THE COURT: Keep your voice down.

1 MR. McCALL: Conspiratorial intent
2 as it relates to the stalking of Christine
3 Belford for the November 11 events. And what I
4 want to do is compare this document to the note
5 that was left with Tom to Amy in the house.

6 THE COURT: Which had
7 instructions.

8 MR. McCALL: Had instructions.

9 THE COURT: Combination.

10 MR. McCALL: Exactly, your Honor.

11 MR. McANDREW: Goes to the
12 foreseeability.

13 MR. McCALL: It goes to the
14 foreseeability.

15 THE COURT: Mr. Ibrahim?

16 MR. IBRAHIM: Well, the problem I
17 have with this is this is from somebody who is
18 deceased. I understand that it's a charge of a
19 co-conspirator, but there it no way for me to
20 cross-examine what he is saying to her and given
21 her response. It is something that was just
22 said to her.

23 They already have the document of
24 the letter writer, but this becomes cumulative

1 and prejudicial to the point where he's now
2 speaking from the grave and I have no way to
3 cross-examine him. It's a Sixth Amendment issue
4 that is continually being touched on that I
5 cannot address.

6 THE COURT: I think the fact that
7 he's a co-conspirator cuts against that in terms
8 of admissibility. And I also think that the
9 content here is specific in terms of the
10 combinations.

11 So when say you can't
12 cross-examine him, what I think is most
13 pertinent about this is that in advance of the
14 shooting, the combination information
15 purportedly is being communicated to your client
16 for the first time after the shooting. And the
17 note that was found on the buffet was found
18 before.

19 So I am going to overrule the
20 objection and allow the exhibit to be used.

21 (End of sidebar conference.)

22 THE COURT: We'll allow a quick
23 comfort break. Does the entire jury need to
24 retire?

1 A JUROR: Just me. Give me one
2 second.

3 THE COURT: Thank you. Ladies and
4 gentlemen, stretch.

5 (Pause.)

6 THE COURT: If you need a break,
7 by all means, get our attention audibly and
8 we'll do our best to respond.

9 Mr. McCall, proceed.

10 MR. McCALL: Thank you, your
11 Honor.

12 If we could -- let's just pull
13 back up 77-E very briefly.

14 BY MR. McCALL:

15 Q. All right. Again, 77-E is the
16 hutch that's in the living room; is that
17 correct?

18 A. Correct.

19 Q. Now, in the drawer below the book
20 that's, the booklet that's pictured there was
21 found what?

22 A. It's was a letter left by Tom
23 Matusiewicz.

24 Q. All right. To whom?

1 A. To Amy Gonzalez.

2 MR. McCALL: Can we please pull up
3 on the left side Government Exhibit 207. Right.

4 BY MR. McCALL:

5 Q. And so what's 207?

6 A. So 207, as you asked, what's the
7 letter, the note, envelope, that was left that
8 said, Amy, key, with some other notes that was
9 in the drawer, hutch of the china cabinet.

10 MR. McCALL: Can you go to page 2,
11 please.

12 BY MR. McCALL:

13 Q. And what sort of information is on
14 the bottom where it says, combination? If you
15 can move your arrow up and enlarge that. What
16 type of information is there?

17 A. So there and above that one was
18 combinations to a safe. One said closet safe.
19 So combinations, closet save/master bedroom with
20 a combination number telling you that it's left
21 and pass, you know, one time, and then right.
22 And then on the other one it says camper, and
23 then with the combination numbers.

24 MR. McCALL: Okay. You can back

1 out, please.

2 BY MR. McCALL:

3 Q. And, again, in the top portion of
4 this document, what is it talking about with
5 respect to Amy?

6 A. So it's giving Amy information
7 that there's a storage key, the locker number,
8 that the storage locker is under the name Jessie
9 Bowman, which, you know, was a fictitious name
10 that Tom Matusiewicz utilized, telling her that
11 there are guns there, take them, protect them.
12 They will be your only defense. And then, you
13 know, again, as we go down, and the combination
14 numbers. Then there's a key, you know.

15 So it's instructions of where
16 things are, how to get into things.

17 Q. Okay. And how does it finish up?
18 What does the highlighted part indicate?

19 A. So it's signed by dad, pop-pop,
20 Tom. And it says, hopefully, we can end this
21 B.S. now. Up to Dave.

22 MR. McCALL: Okay. Let's push
23 Government Exhibit 207 off the side, to the
24 left.

1 Can you please pull up government
2 exhibit -- and I would offer it, ask to admit it
3 at this time, 682-A.

4 THE COURT: Yes. It's admitted
5 and it may be published to the jury.

6 (Government Exhibit No. 682-A was
7 received into evidence.)

8 BY MR. McCALL:

9 Q. Okay. So this is an e-mail chain;
10 is that correct, Special Agent Gordon?

11 A. It is.

12 MR. McCALL: All right. Let's
13 first highlight the bottom half of the e-mail.
14 I need you to pull in the address, please.

15 BY MR. McCALL:

16 Q. All right. Now, before we talk
17 about this, was a search warrant conducted on
18 the e-mail account belonging to Amy Gonzalez?

19 A. Yes.

20 Q. And -- go ahead.

21 A. We did what's called an e-mail
22 search warrant. So I did a search warrant for
23 the e-mail account of Amy Gonzalez, which was
24 RNAIM@aim.com, or sometimes AOL.

1 AOL, instant messaging. So we
2 then served AOL with our warrant and then we get
3 a return of all her e-mail messages.

4 Q. Did you review the e-mails in
5 preparation for this case?

6 A. I did.

7 Q. All right. Did you review this
8 e-mail?

9 A. I did.

10 Q. Who is it from?

11 A. So it's from AlBBQ. We also had
12 done an e-mail search warrant on that account as
13 well, but we got it from both sides.
14 AlBBQ@Juno.com is the e-mail address of Tom and
15 Lenore.

16 Q. Who is it to?

17 A. To RNAIM, Amy Gonzalez.

18 Q. What's the date?

19 A. November 30th, 2011.

20 Q. What's significant about that
21 date? What happens the next day?

22 A. It is December 1st, 2011, that Tom
23 Matusiewicz goes to the door of Belford's home
24 on 15 Donegal Court with Private Investigator

1 Michael O'Rourke.

2 Q. And what does the subject line
3 say?

4 A. It says, hello. Seeing WB
5 tomorrow.

6 Q. Can you please read the e-mail?

7 A. Hi, Amy. I will be going with
8 Mike to WB at 3:00 p.m. tomorrow to see our
9 grandchildren. He will have info on Purcell at
10 that time.

11 Home safe in home closet, 57R 34L
12 98R in all caps. Clean it out to another place.
13 Again, in all caps, not in your home. Motor
14 home keys are to left side of door behind metal
15 baffle safe there in rear, 18R, 78L, 18R, again
16 in all caps. Let you know how things worked
17 out. Dad.

18 Q. Let's back out and see what the
19 response was. Who is this in the response?
20 It's from who?

21 A. The response from Amy Gonzalez.

22 Q. To whom?

23 A. Tom Matusiewicz.

24 Q. Date?

1 A. November 30th, 2011.

2 Q. Subject line?

3 A. Reply, or Re: Hello. Seeing WB
4 tomorrow.

5 Q. What does it say?

6 A. Let me know how it goes.

7 My temp. cell number is
8 956-570-5586. Be careful. Love ya, Amy.

9 MR. McCALL: Okay. Can we push --
10 can we back out of that, please? And then can
11 you enlarge on 682-A, the section where it has
12 the combination? Thank you.

13 And then can you go to 207 and
14 highlight the combination? Enlarge it.

15 THE WITNESS: So --

16 BY MR. McCALL:

17 Q. Go ahead, Special Agent. What are
18 we seeing here?

19 A. So if you look first at the
20 e-mail, home safe and home closet, it's 57R 34L
21 98R. And then if you look at the handwritten
22 message left in the living room right on the
23 china cabinet, it says, 57L, then 34, then right
24 98, and then again 57, 34, 98.

1 The one on the bottom, it is
2 slightly different: So we're still on the note
3 that was left at the Edcouch house. It says L30
4 R78 L18. And if you look on the e-mail message
5 below not in your home, it says 18R 78L 18R. So
6 there is a slight difference between the first
7 number set.

8 MR. McCALL: All right. You can
9 back out, please. And can you please turn to
10 Government Exhibit 71, page 1, and compare it to
11 71-A.

12 BY MR. McCALL:

13 Q. So that takes us out of the living
14 room; right? And now we're going to move to the
15 living room, the left of the study area; is that
16 correct, Special Agent?

17 A. Correct. So if you take yourself
18 back to the front door, you open the door, you
19 see the closet door and the plastic container.
20 Now instead of going right, now you are turning
21 left 90 degrees and you're walking into -- on
22 the diagram it's marked study, but we call it
23 the living room left area.

24 So now you're standing still in

1 the foyer, and if you're standing there and if
2 you were the picture taker, you're looking at
3 the living room left. So that's the living
4 room, and then the door at the end is a bedroom.

5 If you look --

6 Q. Go ahead.

7 A. On the bottom right there's just
8 by the exhibit number, 76-A, there's, I will
9 call them tubs. There's three plastic tubs and
10 then another plastic tub on top of those black
11 roller file containers. So they're identical in
12 make essentially to the two that were by the
13 front door.

14 Q. All right. Now, let's start
15 looking at the documents that you reviewed from
16 this room. Okay?

17 A. Yes, sir.

18 MR. McCALL: Exhibit 107, please.

19 THE WITNESS: Hanging file folder.

20 Belford, James R.

21 BY MR. McCALL:

22 Q. Who is that?

23 A. Christine's father.

24 Q. 108, please. What's 108?

1 A. So priority mail envelope
2 addressed to, or with the name James R. Belford
3 on it.

4 Q. Who is the name in the middle?

5 A. Mr. Tom Matusiewicz.

6 MR. McCALL: Okay. Can you turn
7 to page 3 of this exhibit, please?

8 BY MR. McCALL:

9 Q. What is this?

10 A. So O'Rourke Investigator
11 Associates. Michael O'Rourke, Private
12 Investigator, he prepared a report. He calls it
13 a comprehensive report, I guess, about James R.
14 Belford.

15 Q. And, again, the report had the
16 same sort of information about -- go ahead H?

17 A. Address, you know, contact, you
18 know, that type of thing. Information on James
19 Belford.

20 Q. What's the date of this report?

21 A. January 12th, 2012.

22 Q. Can we turn to Exhibit 109,
23 please. What's 109?

24 A. Hanging file folder, Bocanegra,

1 Monica.

2 MR. McCALL: 110, please. Can you
3 enlarge that?

4 BY MR. McCALL:

5 Q. And so what are we looking at in
6 Exhibit 110?

7 A. So this is a letter dated
8 November 14th, 2011, to Dr. Monica Bocanegra,
9 signed, Sincerely, Lenore Lee Matusiewicz.

10 Q. And, again, this is one of the
11 letters we reviewed yesterday with Dr.
12 Bocanegra?

13 A. That's correct.

14 MR. McCALL: Exhibit 111, please.

15 BY MR. McCALL:

16 Q. Okay. What's this?

17 A. This is the hanging file folder
18 marked complaint.

19 MR. McCALL: 115, please. All
20 right. Can you blow this up?

21 BY MR. McCALL:

22 Q. Now, who is this e-mail from?

23 A. David Matusiewicz.

24 Q. Who is it to?

1 A. RNAIM, Amy Gonzalez.

2 Q. What's the date?

3 A. October 27, 2010.

4 Q. Subject?

5 A. Letter to Crowell.

6 Q. And can you please read the
7 highlighted portions of the e-mail?

8 A. "In July of 2007, my daughter,
9 Laura Emily, told members of my family and me
10 that her mother, Christine Belford, was forcing
11 her to play certain sex games with her and that
12 if Laura ever told anyone about these games,
13 that her mother would go to jail. Please do not
14 allow one moment's wrong decision to cause my
15 children to suffer. Obviously, Christine cannot
16 be expected to confess to the abuses of her
17 daughter, but Laura will never forget what her
18 mother did to her. Should you have need to
19 discuss my statements herein, I am available at
20 your convenience."

21 Q. And then it says, "Sincerely."
22 Right?

23 A. Yes.

24 Q. And what does it say? The

1 sentences that begin, "Please."

2 A. "Please let me know what you think
3 of sending this to Crowell in advance of the
4 hearing and let me know what you'd reword.
5 Also, assuming Don's not checking his e-mail,
6 please forward this to him for me. Thank you."

7 MR. McCALL: Exhibit 117, please.

8 THE WITNESS: It's a hanging file
9 folder, Judge Barbara Crowell.

10 MR. McCALL: 118, please. Okay.
11 Actually, can we start on page 118 --
12 Exhibit 118, page 7.

13 Can you enlarge the envelope? All
14 right.

15 BY MR. McCALL:

16 Q. What is this?

17 A. So it's an envelope from the
18 Chambers or the Office of the Honorable Barbara
19 Crowell, Family Court, State of Delaware here in
20 Wilmington, Delaware, and it's addressed to
21 Thomas Matusiewicz, Box 8, Edcouch, Texas.

22 Q. And if you can, can you make out
23 the date, approximately? If you can. It seems
24 to be cut off.

1 A. Yes. It's cut off. January 7th.

2 Q. Can't tell the year?

3 A. Yes.

4 Q. I understand.

5 All right. Let's go to page 1 now
6 of this exhibit. All right. What's the date at
7 the top of this letter?

8 A. The date is January 5, 2012, and
9 it's signed by the secretary to Judge Crowell.

10 Q. All right. What does the letter
11 indicate?

12 A. Basically, it rejects his petition
13 for visitation. It says, however, your petition
14 for visitation was dismissed on November 16,
15 2011, and because of ex parte communication, any
16 correspondence sent directly to Judge Crowell
17 cannot be read or reviewed. So -- and then they
18 even close the documents that he had sent to
19 them.

20 Q. All right. And, again, his
21 petition for visitation that's discussed in this
22 letter, that was dismissed on November 16th,
23 2011; is that correct?

24 A. Correct.

1 Q. Two or three weeks before he shows
2 up at the door of Christine Belford; is that
3 correct?

4 A. Yes. About 14, 15 days.

5 Q. And then if you could just quickly
6 scroll through the documents that were sent back
7 and included in this envelope. That's a picture
8 of?

9 A. That's a picture of Tom
10 Matusiewicz and Laura Matusiewicz. Those were
11 taken at Dr. Bocanegra's office.

12 Q. Okay. Keep going. Thank you. A
13 note?

14 A. There's a note that was in there.

15 Q. You can go back.

16 A. Judge Crowell, there is no proof
17 by Court/basis that visitation of grandparent be
18 terminated.

19 Q. What else does he say?

20 A. No one in the judicial system
21 desires to hear the truth. Tom Matusiewicz,
22 Grandparent.

23 Q. Next page. And then this is a
24 document that Thomas Matusiewicz included to

1 Judge Crowell; is that correct?

2 A. Yes. Essentially asking to look
3 at the matter more. You know, address it.

4 MR. McCALL: Okay. If you go to
5 the next page. Keep going. Okay. Can you blow
6 that up, please?

7 BY MR. McCALL:

8 Q. All right. What are we looking at
9 here on page 6 of Exhibit 118?

10 A. So this is Family Court, State of
11 Delaware by Judge Crowell. It's an order
12 dismissing petition for visitation, denying his
13 request for visitation.

14 Q. What is the date?

15 A. November 16, 2011.

16 MR. McCALL: All right. Can we
17 turn to Exhibit 121, please.

18 MR. BOSTIC: Counsel, may we have
19 a moment?

20 MR. McCALL: One moment, your
21 Honor.

22 THE COURT: All right.

23 (Pause while counsel conferred.)

24 MR. McCALL: Can we please pull up

1 Exhibit 121? All right. And can you enlarge
2 the header of the e-mail so we can see the from
3 and to and subject lines.

4 BY MR. McCALL:

5 Q. What is the name on the top left
6 corner of the document?

7 A. Amy Gonzalez, the paper printout
8 of the e-mail.

9 Q. From?

10 A. David Matusiewicz.

11 Q. Sent date?

12 A. January 2nd, 2011.

13 Q. To Amy Gonzalez's e-mail; is that
14 right?

15 A. Correct.

16 Q. Subject line indicates re, re, re,
17 ray, motion filings?

18 A. Yes. Multiple replies.

19 MR. McCALL: Can you back out and
20 pull up the top text? The whole first thing,
21 yes.

22 BY MR. McCALL:

23 Q. All right. It says, Hello,
24 Dennis, before it was enlarged?

1 A. Yes.

2 Q. Okay. Go ahead and if you can
3 read down to the end of the highlighted portion,
4 please.

5 A. When questioned by me and members
6 of my family, Laura stated that her mommy had
7 been teaching her where her G-spot was,
8 inserting things and fingers into my daughter's
9 vagina and demonstrating to her how she liked to
10 be pleased sexually.

11 Q. Can you read the next line,
12 please? Next sentence.

13 A. I decided to take my daughters
14 away from the situation rather than trust the
15 Delaware Courts, who had consistently failed me
16 and my children miserably.

17 MR. McCALL: Can you please push
18 this off to the left side, and can you pull up
19 on the right side another of the DFS reports
20 from Laura Miles, Exhibit 636, page 5.

21 And can you highlight the
22 paragraph, when, the third from the bottom?

23 BY MR. McCALL:

24 Q. Now, 636, page 5, is one of the

1 documents that came into Laura Miles in the
2 course of the reports or the reporting from the
3 Matusiewicz family?

4 A. One of the letters, correct.

5 Q. And this specifically was one of
6 the letters sent by David Matusiewicz; is that
7 correct?

8 A. That's correct.

9 MR. McCALL: And can you enlarge
10 on 121, the highlighted section.

11 BY MR. McCALL:

12 Q. Can you read the top section,
13 which is the e-mail from David Matusiewicz?
14 Well, excuse me. That talks about specifically
15 when questioned by him and members of his
16 family, that Laura talked to him about, among
17 other things, inserting things and fingers into
18 her private area; is that correct?

19 A. That's correct.

20 Q. And in the letter that was
21 received by Director Miles, there's no mention
22 of that; is that correct?

23 A. No.

24 MR. McCALL: 122, please. Okay.

1 BY MR. McCALL:

2 Q. Exhibit 122, what's that, Special
3 Agent Gordon?

4 A. It's a piece of paper that was
5 found in the room and it lists -- it's titled
6 "Characters," and on the left side it lists
7 under the name, or heading character a bunch of
8 names. On the right side it says real name, and
9 then names known through the investigation.

10 Q. Okay. So on the right are names
11 that you just indicated; right? You've come to
12 know through the course of the investigation; is
13 that correct?

14 A. That's correct.

15 Q. And like, for example, Amy
16 Matusiewicz Gonzalez, she's one of the
17 defendants?

18 A. She is.

19 Q. What's her character name?

20 A. Beth James Cortez.

21 Q. Okay. Well, let's talk about
22 Christine Belford. First of all, what's her
23 name in this document?

24 A. Her name as they have listed,

1 Christine Belford Moffa Matusiewicz Belford.

2 And then her character name is Cathy Mars Sling
3 James Mars.

4 Q. All right. I want to push that
5 off to the left and pull up Government
6 Exhibit 502, page 1.

7 MR. McCALL: And can you blow up
8 the top portion where it's highlighted?

9 BY MR. McCALL:

10 Q. Okay. Now, Special Agent,
11 Government Exhibit 502, page 1, that was
12 provided to you by Kim Lawson in the course of
13 this investigation; is that correct?

14 A. Correct. When we interviewed Kim
15 Lawson, she had provided many of the materials
16 that were sent to her.

17 Q. And this was a Web shot or a
18 screen shot I should say of the Grandmother's
19 Impossible Choice Web page when she first came
20 across it?

21 A. That's correct.

22 Q. Okay. What's significant about
23 the names when she first saw this Web page that
24 recounted these abuse allegations?

1 A. Well, the names were not their
2 real names. It was some other names.

3 Q. And how does that relate to the
4 document that we were just looking at that you
5 found in the house, which is Exhibit 122?

6 A. Right. From the document from the
7 house, it's essentially a key to the
8 Grandmother's Impossible Choice, you know, early
9 on using those other names.

10 So when it says, when Kathy
11 brought her daughters home, if you look at Cathy
12 Mars Sling James Mars, it's Christine Belford
13 Moffa.

14 If you go down to the next bullet
15 point, it took several months before Emily, one
16 of the children, told her Aunt Beth that mommy
17 was molesting her in the bathtub. But if you
18 look at Emily, look at the character name Emily
19 James and then to the right is Laura
20 Matusiewicz.

21 If you look at Aunt Beth, if you
22 look at aunt Beth on the left, it's Beth James
23 Cortez, and then Amy Matusiewicz Gonzalez.

24 And then Rachel, if you look up

1 again on the character side on the left, Rachel
2 James. Real name, Karen Matusiewicz.

3 MR. McCALL: Can we please turn to
4 Government Exhibit 152.

5 BY MR. McCALL:

6 Q. What is Government Exhibit 152?

7 A. It's a letter dated April 4, 2011,
8 from Family Court. Again, the secretary to
9 Judge Crowell signs the letter, and it's
10 addressed to Amy Gonzalez at her residence at
11 819 Sinatra Drive.

12 And essentially it advises Ms.
13 Gonzalez that they received the letters and
14 pictures, they're being returned, and that
15 you -- the Judges are not permitted to receive
16 such correspondence.

17 MR. McCALL: Exhibit 153, please.

18 BY MR. McCALL:

19 Q. Again, this is in the living room
20 left; is that correct?

21 A. That's correct.

22 Q. All right. What is the top part
23 where it says Box 6?

24 A. Yes.

1 Q. If you can read the letter?

2 A. Box 6, Edcouch Texas, dated May
3 17, 2012.

4 "Dear Mr. Roberts, as you can see,
5 we still cannot afford an attorney. Knowing how
6 litigious the Christine personality is, I've
7 written to you directly. We have been informed
8 that Christine has stated that Tom and I are
9 stalking the children."

10 Q. Keep going, please.

11 A. Highlighted or not?

12 Q. The whole document.

13 A. "As usual, Christine is mistaken.
14 One, when we sent her a letter around
15 Thanksgiving to ask whether or not she wanted
16 the heirloom afghan that she said her favorite
17 Aunt Emmy crocheted for her, and the DVD that
18 Katy's first grade made of Katy's class.

19 "Because we received no reply, Mike
20 O'Rourke stopped at her house to bring the
21 afghan to her. Her new boyfriend, who
22 introduced himself as, quote, Frank, 'the
23 babysitter,' end quote, said that she didn't
24 want it, so Tom and mike left.

1 "Two, I sent Chris a letter
2 reminding her of the connection of several
3 members of our family to cancer, telling her
4 that Amy had been diagnosed with pre-cancerous
5 condition, with a pre-cancerous condition and
6 that it might be prudent to have Laura tested.
7 I've attached a copy of the letter because the
8 reason for it truly was weird, especially after
9 Amy's diagnosis.

10 "Three, I sent a letter to
11 Christine after reading the letter she had sent
12 to David, reminding her that she had kidnapped
13 Laura, Leigh and Karen, and had never been
14 prosecuted for it, and asking her what else she
15 had forgotten. Even David Mitchell called
16 police January 2nd, 2006, to have them find her
17 to make sure everyone was okay. Please let me
18 know if this is considered stalking.

19 "One other thing. When we do
20 searches using Google on our computer,
21 Christine's address at Donegal Court is printed
22 in the upper left corner of our copies. Is
23 Christine hacking into our computer? How do we
24 find out? Who is stalking whom?

1 "Sincerely, Lenore Matusiewicz."

2 MR. McCALL: Government

3 Exhibit 155.

4 THE COURT: Mr. McCall, you can
5 pick whatever time you want to break in terms of
6 your rhythm between now and 12:30. You can go
7 to 12:30 or you can pause. I will leave it to
8 you.

9 MR. McCALL: Judge, I will go ten
10 more minutes.

11 THE COURT: All right.

12 MR. McCALL: Thank you.

13 BY MR. McCALL:

14 Q. All right. Government
15 Exhibit 155.

16 A. So this is a letter to Judge
17 Crowell listing her address, 500 North King
18 Street, and it's from Amy Gonzalez, 819 Sinatra
19 Drive, dated November 2nd, 2011.

20 Q. All right. And let's turn just to
21 paragraph 4. That's going to be on the next
22 page, I believe. Okay.

23 Can you read paragraph 4 in the
24 letter to Judge Crowell from Amy Gonzalez?

1 A. "What Christine was actually
2 afraid of, according to the phone transcript,
3 was David's contacting Dr. Blacklock regarding
4 his knowledge of the child abuse by Christine
5 that was witnessed in his office by his staff.

6 "When Christine pulled Leigh by her
7 arm, the technician stated that if she ever saw
8 that again, that she would contact Child
9 Protective Services.

10 "Christine replied to the
11 technician, quote, 'Do you have any idea who I
12 am? I'm Dr. Matusiewicz's wife,' unquote.
13 Unfortunately, the technician backed off and
14 apologized instead of calling DSF about
15 incident. (Christine was livid when the same
16 scenario occurred at Newark Pediatric Associates
17 and when Dr. Gotthold from Appoquinimink
18 Pediatrics threatened Christine with DFS)," end
19 parentheses.

20 Q. Dr. Gotthold testified in this
21 case; is that correct?

22 A. He did.

23 MR. McCALL: Can we turn to the
24 last paragraph of this document?

1 BY MR. McCALL:

2 Q. Okay. Can you read the last
3 paragraph?

4 A. "The decision of the Courts
5 whether or not to allow visitation with my
6 nieces and their father's family affects
7 everyone in this case, especially my nieces and
8 my five-year-old daughter. My brother and I
9 always looked forward to raising our children
10 together.

11 "I pray that you realize that this
12 family is going to continue to tell the truth of
13 the facts in this case until our last breath is
14 taken from us. Even though the wrong decision
15 was made by my brother and mother, we will
16 continue to fight to make it right for the
17 girls' sakes. Wouldn't you?"

18 MR. McCALL: Exhibit 156, please.

19 BY MR. McCALL:

20 Q. This is a letter dated when?

21 A. November 17, 2011.

22 Q. And who is it sent to?

23 A. Again, from Judge Crowell to Amy
24 Gonzalez, or Judge Crowell's secretary to Amy

1 Gonzalez.

2 Q. And this is like the last letter
3 you summarized to Thomas Matusiewicz; is that
4 correct?

5 A. Yes.

6 Q. From Judge Crowell?

7 A. Yes. Returning the documents, and
8 please don't, please don't contact us in the
9 future.

10 MR. McCALL: Can you go to the
11 next page, please, and keep going. Okay.

12 BY MR. McCALL:

13 Q. Exhibit 160. This is the Hidalgo
14 County Sheriff's Incident Report; is that
15 correct?

16 A. Correct.

17 Q. And this is what was testified to
18 buy Dr. Bocanegra; is that right?

19 A. That's correct.

20 MR. McCALL: And can you just go
21 to page 3 very quickly?

22 BY MR. McCALL:

23 Q. And those are the allegations that
24 have been previously discussed; is that correct?

1 A. Right. It was Officer Venegra's
2 complaint. Some time in the year 2004, Lenore
3 alleges she was poisoned by Chris drinking a
4 glass of tea.

5 Q. And there's also a comment that
6 Lenore told the officer that Christine Belford
7 was what?

8 A. Yes. It says she was told by
9 Chris she was connected to a Mafia family.

10 MR. McCALL: 163, please.

11 THE WITNESS: So this was a sticky
12 or little note. Entire opinion. It is greater
13 than 50 pages.

14 MR. McCALL: Next page, please.

15 BY MR. McCALL:

16 Q. Okay. Now, this is a portion of
17 the termination of parental rights hearing; is
18 that correct?

19 A. That's correct.

20 MR. McCALL: And can you enlarge
21 the top portion?

22 BY MR. McCALL:

23 Q. This is -- again, this is found in
24 the living room that's off to the left of the

1 study?

2 A. Correct.

3 Q. Just what's underlined -- when you
4 found the TPR order in the house, what is
5 underlined there?

6 A. Right. So printed-out piece of
7 paper. It was underlined as we found it.

8 Laura is adamant about not wanting
9 to see any of her father's relatives (his
10 parents and sister) and Leigh, the autistic
11 child. Sorry.

12 And Leigh, the autistic child,
13 screams when she is shown a picture of her
14 paternal grandmother, whom she last saw over
15 two-and-a-half years ago. And then parental
16 grandfather is underlined. Laura said that she
17 had enough and she is not interested in seeing
18 him again.

19 MR. McCALL: Can you back out,
20 please? And can you enlarge, please? And can
21 you --

22 MR. BOSTIC: Judge, may we see the
23 Court at sidebar, please?

24 (Sidebar conference held out of

1 the hearing of the jury as follows.)

2 MR. BOSTIC: And I didn't get a
3 chance to speak to Mr. McCall about this, but it
4 seems that we're really delving into the right
5 order at this point.

6 I realize there are some things
7 you want to get out, but I would like to have a
8 chance to consult with co-counsel and suggest to
9 the Court maybe this is a good time to take a
10 break because I really want to cut this close
11 because I think it's really drilling down. It's
12 in already. The Court does not want to overly
13 highlight it.

14 THE COURT: At the moment I intend
15 the government to be focusing on the fact that
16 certain portions of the findings were
17 highlighted. I will note that as I skim down
18 the document, the word "credible" is underlined.
19 That may be a little bit problematic in terms
20 of -- so, at a minimum, why don't we do this.
21 Why don't we take lunch right now. The jurors'
22 lunches are here. That's why I broke in when I
23 did.

24 Counsel can confer and we'll see

1 where we agree. If we need to make rulings, I
2 will make rulings.

3 MR. McCALL: Very good.

4 MR. McANDREW: I'm going to step
5 out to get some other witnesses ready.

6 THE COURT: All counsel except
7 for our solo practitioners have the right to
8 exit.

9 MR. McANDREW: I just wanted to
10 alert the Court.

11 THE COURT: I appreciate the
12 courtesy.

13 (End of sidebar conference.)

14 THE COURT: We'll break now,
15 members of the jury, just so would can do a
16 little more scrutiny on our own part. It may
17 save us some more time. You'll be pleased to
18 know we are moving quickly. So your lunch is
19 here. You'll be pleased to know that.

20 (The jury was excused for a
21 luncheon recesses.)

22 THE COURT: You may step down,
23 Special Agent.

24 (Witness excused.)

1 Counsel, be seated just for a
2 second.

3 Not to add to your lunchtime woes,
4 I do notice that the government has filed a
5 motion with respect to discovery and production
6 of statements from the defense. Is that
7 correct?

8 MR. WEEDE: That's correct, your
9 Honor.

10 THE COURT: I will ask everyone to
11 take a look at that over the lunch break and see
12 if agreement can be reached, or by the end of
13 the day. Just making note that it's out there,
14 and maybe we can just somehow avoid a ruling,
15 but if not, I will rule.

16 All right. Anything else you need
17 of me, counsel?

18 MR. WEEDE: Not from the
19 government, your Honor.

20 THE COURT: Defense?

21 MR. BOSTIC: No, your Honor.

22 MS. CHAVAR: No, your Honor.

23 MR. EDELIN: No, your Honor.

24 MR. IBRAHIM: No, your Honor.

1 THE COURT: All right. I will see
2 everybody in an hour.

3 (Luncheon recess taken.)

4 - - -

5 (The following occurred in the
6 conference room beginning at 1:30 p.m.)

7 THE COURT: I understand we have a
8 development.

9 MR. EDELIN: Always something in
10 this case, your Honor. And I will let Jeremy
11 set the stage. He actually got the call. There
12 is a voicemail from one of the Kulas, and you've
13 heard the name Melinda Kula saying that Lenore's
14 mother, David and Amy's grandmother, has passed
15 out or fallen out, has had a stroke, is on her
16 deathbed, can they come see her.

17 So, number one, I wanted to make
18 everybody aware of the phone call that we have.

19 Number two, I guess the issue
20 becomes, should I or am I obligated to tell my
21 client? Are they obligated to tell their
22 clients?

23 THE COURT: Well --

24 MR. EDELIN: This is new to me, so

1 I'm bringing it to everybody.

2 THE COURT: All right. Well,
3 regardless of whether we tell the clients, let's
4 talk about the issue of visiting, because it
5 seems to me the Marshals would have to weigh in
6 on the issue ever visiting, and I would think
7 that absent an order from the Court, it would be
8 unlikely that she would be allowed to visit.

9 MR. IBRAHIM: Correct.

10 THE COURT: So it would need to be
11 a somewhat extraordinary circumstance that way.

12 I will direct counsel not to
13 inform his client until the end of the day
14 today, all right, if then. And I will take the
15 heat for that, because I believe that at the
16 present time nothing practical could be
17 accomplished by way of having her visit, and we
18 do not need her distracted during the afternoon
19 proceedings. All right?

20 So to the extent that there's
21 blame to be assigned, the blame must be assigned
22 to me as the Court.

23 With respect to the next step, do
24 you have any proposals?

1 MR. EDELIN: I do not yet.

2 THE COURT: All right.

3 MR. EDELIN: We got this ten
4 minutes ago, five minutes ago, and so I would
5 like the Court to hear the message.

6 MR. IBRAHIM: 12:04.

7 MR. EDELIN: And the government.

8 THE COURT: By all means.

9 MR. EDELIN: If you want it to be
10 transcribed as it's being played, I will leave
11 that to the Court.

12 THE COURT: Why don't we start
13 just by listening to the message. Then we'll
14 decide whether we need to do it.

15 (Discussion held off the record.)

16 THE COURT: Let's go on the
17 record.

18 Mr. Ibrahim, who was the recipient
19 of the message and who is stressed that he's
20 merely the conduit of the information, has
21 played the voicemail for all counsel. It is
22 from a relative whose name has been mentioned
23 during testimony in the case who says it was
24 actually yesterday morning that the collapse

1 occurred, and it was described as a collapse and
2 then later described as a stroke.

3 The victim of the stroke, if there
4 indeed was a stroke, is 97 years old, but there
5 has been a request that members of the family be
6 permitted to come and visit her.

7 Is there any need beyond that,
8 counsel, to transcribe specifically the message?

9 MR. BOSTIC: I don't believe so,
10 your Honor.

11 MR. EDELIN: I don't have a need.

12 MR. McCALL: No, your Honor.

13 MR. IBRAHIM: No.

14 THE COURT: All right. Let's go
15 off the record again.

16 (Discussion held off the record.)

17 THE COURT: Let's go back on the
18 record again.

19 I have directed that we continue
20 this afternoon and am willing to take the
21 responsibility for that. The question I have
22 is: Does anybody wish to make any statement
23 about that for the record, because I would
24 invite them to do so if they would like.

1 MR. IBRAHIM: No, your Honor.

2 MR. BOSTIC: No, your Honor.

3 MR. EDELIN: No, your Honor.

4 THE COURT: All right. Then what
5 I would propose is that we ask one of the
6 Marshals to join us because I would like to
7 understand what their protocols are just so we
8 have more information before we go to the next
9 step. All right?

10 So, Mr. Kleinwaks, could you go
11 into the courtroom and see if Deputy Marshal
12 Barbara Fahey is available, and if so, ask if
13 she could join us.

14 For the record, Mr. Kleinwaks is
15 my law clerk. Let's go off the record and talk.

16 (Discussion held off the record.)

17 THE COURT: We will go on the
18 record now.

19 While we've been off the record,
20 we've just been discussing the human reaction of
21 the participants in the case and their concern
22 for the individuals involved and the
23 professional obligations that they have with
24 respect to the situation.

1 (Deputy Marshal Fahey entered the
2 conference room.)

3 THE COURT: I see our Marshal
4 looking on anxiously. Worry not.

5 What we have is a situation in
6 which an elderly relative of Lenore Matusiewicz,
7 and I assume therefore by extension other of the
8 defendants, who is 97 years old, apparently
9 collapsed yesterday and is in a hospital in New
10 Jersey.

11 So a call just came in about ten
12 minutes ago reporting this turn of events, and
13 we were discussing that and the impact it has on
14 the trial.

15 My understanding is that
16 ordinarily, the U.S. Marshals do not take people
17 in custody on hospital visits.

18 DEPUTY MARSHAL FAHEY: That's
19 correct.

20 THE COURT: And that there's no
21 protocol for doing that?

22 DEPUTY MARSHAL FAHEY: Not to my
23 knowledge.

24 THE COURT: All right. I just

1 wanted to confirm that my understanding was
2 correct.

3 DEPUTY MARSHAL FAHEY: Mm-hmm.

4 THE COURT: And we will, among
5 ourselves, discuss the best way to proceed.

6 DEPUTY MARSHAL FAHEY: Okay.

7 THE COURT: But while you're here,
8 would you please convey to your team how
9 grateful I am for their quiet professionalism
10 throughout the trial? It's noted and
11 appreciated. I will follow up with them after
12 the trial is over. If you have a chance to put
13 out an e-mail now.

14 DEPUTY MARSHAL FAHEY: I will.
15 Thank you.

16 THE COURT: Sure.

17 (Deputy Marshal Fahey left the
18 conference room.)

19 THE COURT: In our discussion off
20 the record, defense counsel has appropriately
21 opined that there's no alternative to their
22 telling their clients by the end of the day, and
23 I agree with that and I think that it's
24 necessary that we do that. However, given the

1 fact that there's nothing practical we could
2 accomplish today, I will maintain my initial
3 position, which is I will ask counsel, and
4 indeed order counsel so that there's no question
5 but that this was the Court's decision and not
6 counsel's decision, not to mention this until
7 the end of the day.

8 I would then give you time to
9 confer with your clients in the courtroom before
10 they are escorted back into detention so that we
11 can discuss practical methods of dealing with
12 the situation, and at that point we will decide
13 who the appropriate emissary is to call backs,
14 Ms. Kula, or the hospital, because as I
15 understand it, the hospital information was
16 given and it might be that the Judge should be
17 the one to make that call.

18 So let's all think about those
19 things. Let's go back in, see if we can make
20 good use of the afternoon.

21 MR. IBRAHIM: What I was going to
22 suggest, Judge, is, if I could take a moment,
23 actually return the call and just simply ask her
24 to get a doctor's letter that could be sent to

1 me that I could provide to the Court, because
2 that may have contact information the Court can
3 use.

4 THE COURT: Right. By all means,
5 do that.

6 MR. IBRAHIM: At least we'll have
7 something to determine.

8 THE COURT: Let's do that as
9 quickly --

10 MR. BOSTIC: Your Honor, I want to
11 add, can we get the doctor's name and telephone
12 number, because the doctor may not be available
13 to prepare a letter and then to get it to you.
14 Then we're into tomorrow. But if the Court has
15 a name...

16 THE COURT: Well, let me suggest
17 we do that on the break, Mr. Ibrahim, only
18 because we've kept the jury waiting 15 minutes.
19 I've been religious about starting as quickly as
20 we can.

21 Thank you, counsel, for your
22 candor and cooperation.

23 (Conference in the conference room
24 concluded.)

1 (Proceedings resumed in the
2 courtroom as follows.)

3 THE COURT: We'll be just a
4 minute, Special Agent.

5 THE WITNESS: All right.

6 MR. McCALL: Judge, while we're
7 here, I know we left on a matter that had to do
8 with the next government exhibit. I redacted
9 and spoke to Mr. Bostic. I redacted the portion
10 that --

11 THE COURT: Right.

12 MR. McCALL: -- that you
13 mentioned, that the Court had mentioned.

14 THE COURT: All right.

15 MR. McCALL: It's only two pages
16 of the entire order in any event.

17 THE COURT: All right. You can
18 bring the jury in.

19 (The jury entered the courtroom
20 and took their seats in the box.)

21 THE COURT: Please be seated,
22 ladies and gentlemen of the jury. The delayed
23 start is all my responsibility. I had a matter
24 of court administration I had to deal with, and

1 for the first time since the trial began
2 actually took a walk at lunchtime because
3 Mr. Kleinwaks said I needed some Vitamin D. So
4 lo and behold, I returned to something I needed
5 to address. Sorry to keep you waiting. The
6 fault is the Court's.

7 And Mr. McCall, you may proceed.

8 MR. McCALL: Thank you, your
9 Honor.

10 BY MR. McCALL:

11 Q. We were talking about Government
12 Exhibit 163.

13 MR. McCALL: Judge, I think the
14 publish button is off.

15 THE COURT: You are correct, sir.

16 MR. McCALL: Thank you, your
17 Honor.

18 THE COURT: That should be coming
19 up now. It takes a couple seconds to cycle up.

20 BY MR. McCALL:

21 Q. Okay. And, again, this is a page
22 from the TPR order that was found in the office
23 area, the living room left in the Edcouch house;
24 is that correct?

1 A. That is correct.

2 Q. And portions of the order had been
3 underlined; is that right?

4 A. That's correct.

5 Q. All right. And we've already
6 looked at the first page. Turn to the second
7 page. Just the top part above paragraph 6.

8 MR. McCALL: Can you highlight
9 that, please?

10 BY MR. McCALL:

11 Q. Okay. And can you read the
12 sentence in the line that's underlined in this
13 exhibit?

14 A. This factor favors granting the
15 TPR and weighs heavily in that direction,
16 because of the father's unwillingness to be
17 convinced that no sexual abuse occurred coupled
18 with his lack of trust in any authority system
19 and his past disrespect of Court Orders.

20 Q. Okay. Can we turn to Government
21 Exhibit 166, please.

22 Okay. Again, what are we looking
23 at here in Government Exhibit 166, Special Agent
24 Gordon?

1 A. So the envelope, return address
2 from Matusiewicz, Box 6, Edcouch, Texas, to
3 David Matusiewicz with his inmate registration
4 number and federal institution.

5 Q. And can we turn to the next page
6 of this exhibit. And you can keep going. Keep
7 going.

8 Okay. This is the table of
9 contents to a book that was inside that package;
10 is that correct?

11 A. That's correct.

12 Q. Can you -- I'm sorry. Before you
13 blow that part up, can you blow the top part up,
14 which is -- keep going. Yes. The name of the
15 book is at the top.

16 A. Right.

17 Q. Of the enlargement. And what does
18 it indicate?

19 A. It's the "Essential Underground
20 Handbook," and then the table of contents page.

21 Q. Okay.

22 MR. McCALL: And can you back out?

23 BY MR. McCALL:

24 Q. And so what are some of the

1 chapter headings entitled in this book?

2 A. So you see mail drops and then
3 highlighted second identity, and under that,
4 second passports, highlighted fake identity
5 documents, escaping the USA.

6 Q. Next page?

7 A. So again other headings. This one
8 under private investigation, security and
9 surveillance, performing background checks, how
10 to use pretext to gain information.

11 Q. And let's go look at that
12 particular chapter, How to use pretext to gain
13 information.

14 Can you turn to page 14 of this
15 exhibit? All right. And, Special Agent, this
16 is the header for pretext; is that correct?

17 A. That's correct.

18 Q. Can you please read what this
19 paragraph indicates, these two paragraphs?

20 A. Sure. "Pretext is a technique
21 that investigations use in order to obtain
22 information. It is much frowned upon in some
23 circles, but it remains one of the most useful
24 techniques for a skilled investigator. Ethical

1 considerations aside, some uses of pretext are
2 legal and others illegal, and yet others exist
3 in a gray area, somewhere between the two.

4 "If you plan on using pretext,
5 then you need to make sure you understand which
6 uses of pretext could be considered illegal so
7 that you can safely avoid them."

8 Keep going?

9 Q. Yes, please.

10 A. "You may not be comfortable with
11 using deception to gain information. This is an
12 entirely personal ethical standpoint on which I
13 will make no comment -- I am not trying to be a
14 moral guide here. Suffice it to say that you
15 must make a decision for yourself whether the
16 benefits you are hoping to gain from using
17 deception outweigh any negative factors that may
18 be involved.

19 "One important point that I hope
20 you will come away with after reading this
21 section though is that you, if you are
22 approached by an inquisitive stranger asking
23 questions about a person or situation you are or
24 have been acquainted with, things may not always

1 be as they appear. You should be on your guard
2 in such situations, and stay aware that someone
3 may be using pretext to gain information from
4 you."

5 Q. All right.

6 MR. McCALL: Can you back out,
7 please?

8 BY MR. McCALL:

9 Q. And then it talks about different
10 types of pretextual ways to gain that type of
11 information; is that correct?

12 A. Correct.

13 Q. One is listed below; is that
14 right?

15 A. Right. Under telephone pretext.
16 Right.

17 MR. McCALL: Go to the next page.

18 BY MR. McCALL:

19 Q. What's listed there in the heading
20 sections?

21 A. "Employers, landlords, neighbors
22 and former spouses."

23 Q. Can you read the highlighted
24 section for former spouses?

1 A. "Former spouses can be good
2 sources of information, as they know the subject
3 most intimately. But, they also can be very
4 bitter and under emotional stress. Therefore,
5 the information you gather from former spouses
6 should be verified in other ways."

7 Q. Now, in this case, Special Agent
8 Gordon, Christine Belford -- who did she marry
9 after David Matusiewicz?

10 A. That was Jerald Purcell.

11 Q. And at some point they divorced as
12 well?

13 A. They did.

14 Q. Okay. Without getting into the
15 specifics of any conversation, what happened
16 with Mr. Purcell as it relates to this
17 particular paragraph?

18 A. Well, there were, on one side, a
19 review of all the evidence. We had seen that
20 there was consideration to reach out by the
21 Matusiewicz family to contact Jerald Purcell,
22 and Jerald Purcell received a phone call.

23 Q. And who did he receive a phone
24 call from?

1 A. Tom Matusiewicz.

2 MR. McCALL: Exhibit 167, please.

3 BY MR. McCALL:

4 Q. What's Exhibit 167, Special Agent
5 Gordon?

6 A. This is an itemization list
7 headed, red file, mom's outgoing letters. And
8 then on the left you see item 1 and then there's
9 item 2, item 3.

10 MR. McCALL: Can you scroll down,
11 please.

12 THE WITNESS: And basically an
13 itemized list of different pieces of
14 information.

15 BY MR. McCALL:

16 Q. Okay. And can you just tick
17 through the exhibit, please, to get a sense of
18 it's length?

19 A. There's another dozen or so,
20 another dozen or so, and then it's marked blue
21 file. It goes on to another heading. That
22 first one is approximately 56 different items.

23 MR. McCALL: Can you please turn
24 to Government Exhibit 168.

1 BY MR. McCALL:

2 Q. What is this?

3 A. This is a folder marked, or
4 written, Cindy (Etherton) Bender.

5 MR. McCALL: Okay. Can we push
6 the folder over and go to 169 very quickly.

7 BY MR. McCALL:

8 Q. And, again, you can start ticking
9 through them. In this folder, what was found?

10 A. So these are paper copies of the
11 e-mails containing the photographs of the kids,
12 and these were the e-mails between Cindy Bender
13 and Amy e-mail account.

14 Q. And some of these photographs were
15 also found where?

16 A. Various places. The CRV that was
17 across the street from the courthouse.

18 MR. McCALL: Can we please turn to
19 Government Exhibit 176.

20 BY MR. McCALL:

21 Q. All right. And what's 176?

22 A. This is a hanging file folder
23 marked Laura, Leigh, Karen, info, 2009-present.

24 MR. McCALL: And then can you pull

1 up Exhibit 177.

2 BY MR. McCALL:

3 Q. All right. Special Agent Gordon,
4 can you please start with the top of this
5 e-mail? Who is this e-mail from?

6 A. So this is from David Matusiewicz.

7 Q. What -- go ahead.

8 A. Dated 6/21/2011.

9 Q. And the subject line contains a
10 series of Re's?

11 A. Indicating reply, and the message
12 header, school info for the girls.

13 Q. And can you read the e-mail,
14 please?

15 A. "Karen in kindergarten at Red Clay
16 Consolidated School District, North Star
17 Elementary, 1340 Little Baltimore Road,
18 Hockessin, Delaware, zip code and telephone
19 number. (Looks like Laura is in third grade in
20 the same school). Karen's teacher is Janicki.
21 Laura's is Spinelli from the last marking period
22 ending 2011. Leigh is still at Brennen, and her
23 teacher is Lisa Miller as of June 34d, 2010.
24 Leigh and Laura have been to St. John the

1 Beloved for their religious education. Leigh
2 sauce Mrs. DeFlaviis and Laura saw Mrs. Hunter.

3 "Letters with our allegations
4 of abuse should go to each of these people so
5 that possible Laura will open up to one of them
6 and, God forbid, Chris is still sexually
7 molesting them, maybe Leigh or Karen will open
8 up about Mommy's little secret to one of their
9 teachers."

10 Q. What does the handwriting in this
11 e-mail indicate?

12 A. It says, Brennen's School of
13 Autism, 144 Brennen Drive, Newark, Delaware.
14 Her teacher is Lisa Miller.

15 MR. McCALL: And back out, please.
16 And then can you enlarge the handwriting that's
17 at the bottom of this document?

18 BY MR. McCALL:

19 Q. And who are some of the people
20 that are listed at the bottom of this document,
21 Special Agent Gordon?

22 A. Sure. So by name, Lisa Miller,
23 teacher at the Brennen School. Ms. Janicki,
24 North Star. Ms. DeFlaviis. It says Leigh, Ms.

1 DeFlaviis. And Laura, Mrs. Hunter, teacher at
2 St. John the Beloved.

3 Q. What, if anything, was the
4 significance of Lisa Miller in this case?

5 A. As we heard from the principal at
6 the Dewey School, Lisa Miller, I'm sorry. We
7 heard from the principal or director, Mr. Dewey,
8 at the Brennen School. Lisa Miller was a
9 teacher at the Brennen School and had an
10 envelope addressed to her with a letter.

11 Q. And how about Mrs. DeFlaviis?

12 A. Mrs. DeFlaviis was a teacher at
13 the Brennen School and, I'm sorry, at St. John
14 the Beloved. She also had an envelope addressed
15 to her with the letter, and that's when we heard
16 from the director, Mrs. Berlingieri, about that
17 letter.

18 MR. McCALL: Exhibit 178.

19 BY MR. McCALL:

20 Q. What is 178, very briefly? I
21 think you've seen this before today.

22 A. Yes. It's approximately a 14-page
23 document printed out. It's titled, "Our story
24 in a nutshell," and then it's numbered. And it

1 essentially goes paragraph by paragraph through
2 the issues that, you know, the Matusiewicz's had
3 with Christine Belford, talking about their
4 therapy, talking about her mental state, talking
5 about how she was with the kids, that type of
6 thing.

7 MR. McCALL: Could you please turn
8 to page 12 of this exhibit?

9 BY MR. McCALL:

10 Q. Now, this is the end of the
11 document, page 12 of 14; correct?

12 A. Correct.

13 Q. And so the highlighted section,
14 what is the -- what is the subject of this last
15 part of the letter?

16 A. Suggestions for letters. It would
17 be better to rewrite this in your own words.

18 Q. And then what does it go on to do,
19 Special Agent Gordon?

20 A. Well, it talks about, you know,
21 child abuse and, you know, people that can
22 report at this time, you know, or be involved in
23 it. You know, Child Protective Services,
24 doctors, lawyers, and judges, when they make

1 mistakes, as far as putting a child in the wrong
2 home. You know, which parent as far as custody.

3 Q. Well, let me ask you: Is this an
4 actual suggestion for a letter for people?

5 A. Absolutely.

6 Q. And can you just read the first
7 line?

8 A. "Every day we see, hear about and
9 read accounts of the horrible tragedies that
10 occur when workers from Child Protective
11 Services, doctors, lawyers and judges place
12 innocent children in the wrong homes."

13 Q. Okay. And it just goes on to
14 articulate, like I said, a suggestion for a
15 letter; is that right?

16 A. That's correct.

17 MR. McCALL: Can we please look at
18 180.

19 BY MR. McCALL:

20 Q. Okay. What's the date on this
21 document?

22 A. This is September 17th, 2009.

23 Q. Who is this -- this is a letter to
24 who?

1 A. This is I believe to be Amy
2 Gonzalez. It says, "Hey, Amy."

3 MR. BOSTIC: Your Honor, may I see
4 counsel, please?

5 THE COURT: You may.

6 (Pause while counsel conferred.)

7 THE COURT: Are we ready to go?

8 MR. BOSTIC: Yes, your Honor.

9 THE COURT: All right.

10 BY MR. McCALL:

11 Q. All right. The letter is to Amy;
12 is that correct?

13 A. Correct.

14 Q. And you've reviewed it before; is
15 that right?

16 A. I have.

17 Q. All right. Who is it from?

18 A. David.

19 Q. Now, I want to -- in September of
20 2009, where is David Matusiewicz located?

21 A. In September? Well, the kids were
22 recovered in March. He is taken into custody.
23 In September he's in federal custody.

24 Q. Okay. And he's writing this

1 letter from federal custody; is that correct?

2 A. That's correct.

3 Q. Let's start with the highlighted,
4 let's drop down to the highlighted section.

5 All right. Go ahead. Can you
6 please read the highlighted section into the
7 record?

8 A. Sure. "Clearly, Jane was making
9 an example of mom as I expect Sleet will in my
10 case, so to send a message to others not to take
11 the law into your own hands even when the legal
12 system continuously fails you. Malik also said
13 that Child Protective Services probably won't
14 get involved at this time with our case since
15 they will view Chris and the girls as, quote,
16 'trying to put their lives back together,' end
17 quote, after a harrowing experience at the hands
18 of a lunatic father and his mother, the
19 accomplice."

20 Q. Let me stop you there. Malik, who
21 is that a reference to?

22 A. That was one of the attorneys
23 retained by David Matusiewicz.

24 Q. Okay. Keep going.

1 A. "No, he says. Laura would have to
2 say" --

3 MR. McCALL: Next page, please.

4 THE WITNESS: "Laura would have to
5 say something to someone at school or to an
6 adult or play mate she trusts for any action to
7 be taken by DFS, which leads plea to my idea. I
8 want to run this by you first before acting.
9 (We should have done this two years ago at
10 Laura's first stories. Coulda, woulda,
11 shoulda).

12 "What if someone we know and trust
13 were to call (as a concerned parent) to Child
14 Protective Services and make an anonymous
15 report? Of course, I don't want to see Laura
16 injured further. Lord knows she's living at
17 home in a house with her mother, who abused her.
18 And as her only remaining parent who, quote,
19 'will go to jail if Laura tells anybody what
20 Mommy did,' end quote.

21 "My poor angel. She has got to be
22 so confused. Clearly, the hoarding food idea is
23 her small mind attempting to control anything
24 that she can in a world that has turned upside

1 down for her.

2 "Okay. Again, our friend (male or
3 female?) Calls DFS and says (mispronouncing
4 Matusiewicz?), tell Laura's story to her new
5 friend. Six months or so in and out of a new
6 school system, about enough time where Laura is
7 beginning to trust some of her new friends, but
8 probably not adults who could get her mommy in
9 trouble). Disturb our caller enough that he/she
10 felt that he/she had to call.

11 "It was stated while her/his her
12 daughter was playing with Laura that sometimes
13 Laura wears extra under pants (or dresses a doll
14 or toy at school with two outfits question
15 mark). Some DFS people may put two and two
16 together. The caller doesn't know what to make
17 of Laura's story, but it disturbed her little
18 girl. Now he/she thought he/she should call
19 just in case."

20 MR. McCALL: Next page, please.

21 THE WITNESS: "Of course, the
22 caller would not want to leave his/her number.
23 I'm not sure what that -- right after his/her,
24 I'm not sure. Something number (call from a pay

1 phone?) In case this turns out to be nothing,
2 but he/she feels DFS should follow up. If no
3 action taken by DFS in 10 to 20 days, place
4 another call anonymously.

5 "Again, remember, we don't want to
6 do anything that would place Laura in harm's
7 way. She has been through enough. Call and ask
8 Courtney Emerson her idea on this as well,
9 please? I feel that we have to 'help' Laura to
10 tell her story and that if she's afraid that she
11 could lose her only remaining parent, she may be
12 reluctant to do so on her own. The only way it
13 might happen is if something 'slips out' while
14 Laura plays with her new friend.

15 "Please don't run this by Ed or
16 Dimitri. I'm not quite sure how they would
17 react to this, but I'm certain they would try to
18 dissuade us. I'm hoping that Ed turns out to be
19 more of a bulldog than Dimitri is."

20 Q. Whose Ed and Dimitri, Special
21 Agent Gordon?

22 A. They're both Medrano and Duarte,
23 which were the attorneys.

24 Q. For who?

1 A. David -- Dimitri Duarte was
2 Lenore's attorney. Heriberto Medrano was
3 David's attorney from the kidnapping case.

4 Q. I think --

5 MR. McCALL: Can you back out,
6 please? Go to the next page. Okay. And then
7 we'll skip down.

8 BY MR. McCALL:

9 Q. And you can pick it up in the
10 highlighted portion.

11 A. "I thought I'd better run this by
12 you. Also, please remember that all of our
13 calls are recorded, so mention nothing of this
14 idea on the phone, or if you do, speak
15 'Me-Uh-Sense.' Remember when mom taught us?"

16 Q. Keep going.

17 A. "Don't think anyone here speaks
18 that language, but mom and I used it often when
19 discussing certain Christmas plans in front of
20 Laura.

21 "As always, I value your input and
22 will take no action on this until we have both
23 prayed for guidance. I know you want Laura,
24 Leigh and Karen (and Mom) to be safe as much as

1 I do.

2 "Thanks again for all your help.
3 You're a great babysitter and I love you dearly.
4 Love in litigation, Dave."

5 Q. All right. Let's turn to
6 Exhibit 181, please. Actually, I'm sorry.
7 Before we do that, can you go back to the first
8 page? I want to look at the date. And the date
9 here is what?

10 A. September 17, 2009.

11 Q. And when is the first, if you
12 recall, about when the first report is made to
13 the Division of Family Services?

14 A. It's, you know, late that fall,
15 November, December.

16 Q. And is there an anonymous call
17 made at some point?

18 A. Yes, there is an anonymous call
19 made.

20 Q. By who?

21 A. Courtney Emerson.

22 Q. All right. Can we please go to
23 Exhibit 181. And, again, the date of this
24 letter?

1 A. This is March 15, 2010.

2 Q. It's addressed to?

3 A. It says, hey, kiddo.

4 Q. All right. And the context of
5 this letter, which person is receiving this?

6 A. This would be Amy Gonzalez.

7 Q. And who is this letter from?

8 A. David Matusiewicz.

9 Q. And can we go to page 2, please.

10 All right. Can you read the enlarged, and can
11 you read the highlighted portion?

12 A. "Thanks for acting as a go-between
13 for mail. I don't think mom received anything I
14 sent her directly from STC or -- FDC for Philly.
15 She's pushing for the multiple personality
16 disorder idea, which I agree is likely, but I --
17 I sent -- I spent, sorry. I spent 2006 and most
18 of 2007 trying to get my ex to restart her meds
19 and seek treatment for the changes she went
20 through. I'm done trying to diagnose her mental
21 illness."

22 MR. McCALL: Exhibit 182, please.

23 BY MR. McCALL:

24 Q. What is the date of this letter?

1 A. This is March 21st, 2011.

2 Q. Who is the letter addressed to?

3 A. This is Mrs. Lenore Matusiewicz.

4 Q. And who is the letter from?

5 A. This is Deputy Attorney General
6 Janice Tigani.

7 Q. And the Re, the subject line?

8 A. Letter to Attorney General Biden.

9 Q. And can you read the highlighted
10 portion, please?

11 A. "The sexual abuse allegations that
12 you reference everybody investigated by the
13 Division of Family Services and law enforcement
14 agencies, including interviews of your
15 granddaughters through the Child Advocacy
16 Center. The investigations determined that no
17 sexual abuse occurred at the hands of your
18 former daughter-in-law.

19 "Further, the Family Court of the
20 State of Delaware has conducted hearings between
21 your former daughter-in-law and son resolving
22 visitation and custody matters in favor of your
23 former daughter-in-law.

24 "Lastly, as a result of your own

1 criminal prosecution and/or the Family Court
2 proceedings, there is a no contact order between
3 you and your grandchildren."

4 MR. McCALL: Okay. Can we turn to
5 Government Exhibit 183.

6 BY MR. McCALL:

7 Q. What is 183?

8 A. It's a file folder marked media
9 letters, reports.

10 Q. And can we turn to 184? And this
11 is what? What is 184, Special Agent Gordon?

12 A. It's a letter to the school nurse
13 at North Star Elementary School. This is Mrs.
14 Bugbee, who we heard from.

15 Q. Okay. Can we turn to 185, please.
16 What's Government Exhibit 185?

17 A. It's another letter. It says
18 online to Jane Velez Mitchell, Nancy Grace.

19 Q. And, again, it's just a recounting
20 of what we've been talking about the last couple
21 weeks?

22 A. Issues with Christine Belford,
23 allegations about the children.

24 MR. McCALL: 187, please.

1 BY MR. McCALL:

2 Q. Okay. What is 187?

3 A. So this is a letter by Lenore
4 Matusiewicz. The 660 Baylor Boulevard is the
5 address of the Women's Correctional Institution
6 in Delaware.

7 MR. McCALL: Okay. Can you back
8 out, please? And can you just scroll one page
9 at a time until you get to page 4. All right.

10 BY MR. McCALL:

11 Q. So the paragraph, the paragraph
12 that's marked No. 12, can you please read what's
13 highlighted?

14 A. Sure. "No. 12. How many two,
15 three, four, five-year-olds are taught by mommy
16 while they are all in the bathtubs together what
17 a 'G-spot' is and what to do with it (La, Le and
18 Kar?) Did she 'teach' her first daughter the
19 same way? K was overheard in the shower saying,
20 ooh, ooh, that's the spot. That's the spot.

21 Q. What does the next line say?

22 A. Did she have an itch?

23 Q. Special Agent Gordon, in all the
24 documents that you've reviewed in this case,

1 have you found any other claim that Katy Moffa
2 was using language like we're seeing in this
3 paragraph?

4 A. No. In the documents we reviewed,
5 it was never about Katy Moffa.

6 MR. McCALL: Exhibit 190, please.
7 All right. Can you blow up the top part? All
8 right.

9 BY MR. McCALL:

10 Q. And who is, or what is 190?

11 A. So another letter. This one is
12 addressed to Dave, again, from Lenore
13 Matusiewicz, dated February 11, 2010.

14 Q. Can you read the first, it says,
15 Dave, and then what does it say next?

16 A. Dave, hope you're sitting down
17 when you read this because you're not going to
18 like it.

19 Q. And then can you read the next
20 paragraph, please?

21 A. "First of all, when I first met
22 Chris (that I can remember -- when you were
23 working on those bushes and stuff outside your
24 office, something said she's going to use him.)

1 My answer was, he's a big boy now, and he has to
2 take care of himself. I'm sure I never told
3 you. You probably have laughed it off as a
4 mother's worry and you may have been right to do
5 it at the time, but" --

6 Q. Keep going.

7 A. "Now, dad said that you said that
8 I had met Courtney." It's cut off there.

9 Q. Hold on one second.

10 A. "Now, dad said that you said that
11 I met Courtney before, but I don't remember her.
12 She and dad came for a visit and she sat in the
13 chair around the table to my left. When I
14 looked at her profile, I saw Chris. Too
15 unnerved, I looked away. Then I looked at her
16 again. I saw Chris again. If it's a sign or
17 just my projection or what, I don't know, but
18 this time, I'm making sure you know everything I
19 know."

20 Q. Okay. And then it goes on to say,
21 it talks about two items that were left out of a
22 Grandmother's Impossible Choice; is that
23 correct?

24 A. That's correct.

1 Q. And they discuss more issues with
2 Laura Matusiewicz; is that right?

3 A. Correct.

4 MR. McCALL: Can you turn to page
5 3? And you can scroll one at a time actually,
6 if you would. Right. Okay. Can you enlarge
7 the highlighted part?

8 BY MR. McCALL:

9 Q. Just so we're clear, these three
10 pages of handwriting, single-spaced; is that
11 correct?

12 A. It is.

13 Q. All right. Can you read the
14 highlighted portion?

15 A. "Anybody I've told my story to
16 have been ultra sympathetic. Some have offered
17 to beat Christine up. A few said that they had
18 'people' who would get rid of her if that's what
19 I want, but it's not. I want her to get help
20 and be happy, preferably away from Laura, Leigh
21 and Karen, possibly with supervised visitation
22 at Laura, Leigh and Karen's house. Guess that's
23 all. Love ya. Stay strong for your girls.
24 Mom."

1 Q. All right. I want to turn now --
2 we're going to leave this room. We're going to
3 go into the southwest corner bedroom. All
4 right?

5 MR. McCALL: Can you pull up
6 Government Exhibit 79101 and 791D01. I think
7 it's D01.

8 BY MR. McCALL:

9 Q. Can you tell us what we're looking
10 at in 71 and 79-D?

11 A. To orient you, you start at the
12 front door. You walk in, make a left through
13 what we called the study or living room left,
14 and there's a, first, a bedroom on the left
15 corner. And then as you walk back a little bit,
16 there's a bedroom on the back corner, top corner
17 as it's drawn, and that's the southwest bedroom.
18 And that's the red box.

19 Q. Now, in this bedroom, there's a
20 collection of silver found; is that correct?

21 A. Yes. There were pieces of silver
22 marked Dave's silver.

23 Q. And it was men's clothing found in
24 this room as well?

1 A. Correct.

2 Q. Let's look at Exhibit 90. All
3 right. Again, this is a letter in Exhibit 90;
4 is that correct?

5 A. Correct.

6 Q. And who is the letter addressed
7 to?

8 A. It says, "Hi, Amy."

9 Q. And what's the date of the letter?

10 A. 12/27/09.

11 Q. And who is this letter from?

12 A. This is from Dave Matusiewicz.

13 Q. Okay. Again, you've seen this
14 letter before; is that correct?

15 A. I have.

16 Q. All right. Now, 12/27/09 is the
17 date. And can you read, if you will, the
18 highlighted portion of this particular letter?

19 A. "Ask Ed next time you talk with
20 him if it would be appropriate (or advisable) to
21 sue DYFS plus/or the State of Delaware to
22 require them to evaluate the girls for sexual
23 abuse. I'm done playing Mr. Nice Guy.

24 "Lastly, if nothing changes during

1 January (a typically low month for Chris),
2 please begin making complaints anonymously and
3 repeatedly to DYFS. Ask Linda Morris, Courtney,
4 Christine (the good Christine) and anyone you
5 trust to help. Also, make sure Melinda's
6 website is up and has a true story on it and is
7 well publicized. Sorry I can't help much from
8 in here."

9 Q. When the letter references the
10 good Christine based on the investigation, who
11 is that referring to?

12 A. Christine Cocove, a friend of Amy
13 Gonzalez.

14 Q. And Melinda, who is Melinda?

15 A. Melinda Kula. We talked about the
16 Kula residence in New Jersey on Standish, and
17 that would be the Kulas, which are the relatives
18 of the Matusiewicz.

19 MR. McCALL: Can we turn to
20 Exhibit 93.

21 BY MR. McCALL:

22 Q. All right. Exhibit 93, it's
23 addressed to?

24 A. "Hi, Dave." Dave Matusiewicz.

1 Q. Date?

2 A. 12/11. 2011 I believe that is.

3 Q. Okay. Again, what's significant
4 about that date?

5 A. So this is about ten days after
6 Tom had shown up at the front door of Belford's
7 house with a private investigator.

8 Q. Okay. Can you please read the
9 first page of this letter?

10 A. Okay. "Mom and I just got back
11 from traveling up north to see our
12 granddaughters. Didn't happen this trip. Visit
13 was grandma, age 90 (did happen) and see Carl
14 Stubbins (did happen).

15 "Mom, although a 4,500 mile,
16 two-week trip, did surprisingly well. Thank God
17 and the weather cooperated as well (warm and
18 sunny).

19 "Dave, mom wanted me to bring the
20 afghan blanket and some DVDs of family photos to
21 WB. I contacted Mike O'Rourke, who agreed to
22 accompany me to WB house, which we did on
23 Tuesday, December 1st.

24 "Mike took photos of afghan,

1 suggested we make copies of all the girls'
2 photos on DVDs just so WB can't accuse us of any
3 wrongdoing 'just in case' as we all know she
4 would do in a heartbeat.

5 "WB pulled into the development
6 with new mark, Frank the babysitter, at her
7 side, No. 4 hubby in tow. Mom and I were at
8 that time waiting for Mike in order to (always)
9 have a third party as witness. Mom stayed in
10 our car, away from residence, and Mike and I
11 drove up."

12 Q. Next page.

13 MR. EDELIN: Your Honor, before we
14 go to the next page, may we see you?

15 THE COURT: You may.

16 (Sidebar conference held out of
17 the hearing of the jury as follows.)

18 THE COURT: Okay.

19 MR. EDELIN: I just wanted the
20 Court to be aware that as you were going through
21 this letter, my client wrote me a note saying,
22 mom had a stroke either last night or yesterday.

23 THE COURT: All right.

24 MR. EDELIN: I didn't say anything

1 to her, and the note is on the piece of paper.

2 MR. IBRAHIM: Of course, I didn't
3 say anything.

4 THE COURT: I'm sure of that,
5 counsel. I think why don't you just whisper to
6 her, I advised the Judge and he will try to make
7 time for us to speak after court. How about
8 that? Is that acceptable to everybody?

9 MR. BOSTIC: Yes, your Honor.

10 MR. McCALL: Yes.

11 THE COURT: All right. Why don't
12 we do that.

13 (End of sidebar conference.)

14 MR. McCALL: Judge, may I proceed?

15 THE COURT: Just give me one
16 seconds.

17 (Pause.)

18 THE COURT: Okay, Mr. McCall.

19 BY MR. McCALL:

20 Q. You can continue reading the
21 letter.

22 A. "To the house. "We (mike and I
23 tried) previously to have someone come up to the
24 door. The girls' three book bags were just

1 inside the door. Mike left his business card to
2 contact him to give WB her items (in exchange
3 for ski unit and mattress, nothing less. Even
4 swap.

5 "We gave them about 15 minutes and
6 then went back. WB ran across the street to the
7 neighbor's house (I believe she is this week a
8 reddish blonde hag as opposed to a usual
9 black-haired hag.)

10 "Mike and I went up to the door,
11 and after numerous tries in knocking on the
12 door, had it opened by Mogwomp, alias, Frank the
13 babysitter. He came out on the front steps,
14 folded his arms across his chest like the cigar
15 store Indian he portrayed, and drove, and gave
16 me a long death stare or death wish stare. I
17 was petrified/ha-ha. No, not really. Just
18 kidding.

19 "I told him to have WB contact us
20 for the items that I brought so that we may talk
21 about their return in exchange for ski unit and
22 mattress that is rightfully yours.

23 "Mike and I left without incident.
24 We must have -- we have not heard anything

1 further from him."

2 Q. All right. Exhibit 97, please.

3 Next page.

4 And what is 97, Special Agent
5 Gordon?

6 A. So that was a -- that was a card,
7 and then on the inside of it is the writing.
8 It's addressed to Dave and it's from Amy.

9 Q. And can you start, read just the
10 highlighted portion that starts with, "Dad"?

11 A. "Dad said that he spoke with the
12 receptionist at doctor Blacklock's office and
13 she couldn't find any record of the doctor
14 seeing the girls. That doesn't mean sending,
15 that doesn't mean sending our letters to jolt
16 his memory will hurt. I am mailing mine to him
17 and Dr. Gotthold out in the a.m.

18 "Continue to pray and have faith.
19 Love and miss you, Amy."

20 MR. McCALL: Exhibit 101, please.

21 BY MR. McCALL:

22 Q. And, again, this is a letter
23 addressed to who? To whom?

24 A. This is addressed to Dave, signed

1 by dad, and the return address, Lee and Tom
2 Matusiewicz, Edcouch Texas, dated 12/14/202010.

3 MR. McCALL: Okay. You can just
4 scroll through the page pages of this.

5 BY MR. McCALL:

6 Q. This is, again, some of the same
7 documents that we've seen in the course of this
8 case?

9 A. Yes. They call it Lenore's
10 affidavit, and it essentially repeats many of
11 the things we talked about, the allegations,
12 Christine's state of mind.

13 MR. McCALL: Okay. Can we turn to
14 Exhibit 192. And if you could enlarge the top
15 portion.

16 BY MR. McCALL:

17 Q. The date is December 15th, 2009.
18 Who is this letter addressed to?

19 A. This is Judge Vincent Poppiti.

20 Q. And who is it from?

21 MR. McCALL: You can back out.

22 THE WITNESS: Yes. Sorry. One
23 second. This is from David.

24 BY MR. McCALL:

1 Q. Okay. And can you please read the
2 highlighted portion of this letter?

3 A. "This coupled with the apparent
4 anger from which my ex-wife still suffers,
5 triggered in her desire to hurt me in the only
6 other way she saw available, she began sexually
7 molesting my daughter, Laura Emily. Whether my
8 then six-year old daughter embarrassedly
9 divulged to my family and I that her mother was
10 playing certain sex games with her and that she
11 had to wear two pairs of underwear when she had
12 visitation with her mother.

13 "I took the only steps I could see
14 at the time to protect my children while
15 avoiding the incarceration from my ex-wife, who
16 I still believes suffers from mental illness."

17 Q. And so what was he purporting to
18 the sexual abuse claim in this letter that he
19 had written to Judge Poppiti?

20 A. That Christine Belford suffered
21 some type of mental illness.

22 Q. And that she was, she was abusing
23 Laura to get back at him; is that correct?

24 A. Correct.

1 MR. McCALL: 193, please. Can you
2 blow up the, excuse me. Enlarge the top
3 portion.

4 BY MR. McCALL:

5 Q. All right. And this is an e-mail;
6 is that correct?

7 A. It is an e-mail. It's from Doug
8 Millar, Doug Millar007@Gmail.com.

9 Q. And can you tell the jurors who
10 exactly Doug Millar is?

11 A. He's kind of like an online
12 Internet radio personality who talks about these
13 type of things in the country.

14 MR. McCALL: Can we turn to
15 paragraph 5, please. And you can go back one
16 page. Can you just enlarge the top portion of
17 paragraph 5?

18 BY MR. McCALL:

19 Q. And this is just a summary of Tom
20 and Lenore Watusiewicz's disturbing comments, as
21 my guests tonight?

22 A. That's correct.

23 Q. Can you describe, when he says his
24 guests tonight, what does he do?

1 A. It's like an online radio show
2 broadcast on the Internet, you know, and he
3 brings these people on, you know. In this case,
4 Tom and Lenore Matusiewicz, to talk about the
5 issue that they want to put out.

6 Q. Okay.

7 A. Or put forward.

8 MR. McCALL: All right.
9 Exhibit 194, please.

10 BY MR. McCALL:

11 Q. Again, we are in the southwest
12 corner bedroom?

13 A. Correct.

14 Q. The bedroom with silver on it that
15 had whose name on it?

16 A. It had Dave's name on it.

17 Q. What is this, 194?

18 A. So, again, this is a printout, a
19 piece of paper, Google or street view of 15
20 Donegal Court, Newark, Delaware. And
21 handwritten it says, video cameras with an arrow
22 with two lines down to the one side of the
23 garage. The other one kind of disappears into
24 the tree if you look closely. And then it says

1 plus one in back. So it's pointing out the
2 video cameras.

3 Q. All right. I want to turn now to
4 documents that are found in the southeast corner
5 bedroom.

6 MR. McCALL: Judge, may I have a
7 moment just to consult with counsel on
8 something?

9 THE COURT: You may.

10 (Pause while counsel conferred.)

11 THE COURT: Ladies and gentlemen,
12 stretch, if you'd like.

13 MR. McCALL: Judge, I'm sorry.
14 Can we see you at sidebar very briefly?

15 THE COURT: All right.

16 (Sidebar conference held out of
17 the hearing of the jury as follows.)

18 MR. EDELIN: It's about the neck
19 brace picture.

20 THE COURT: I was wondering when
21 you were going to get to that.

22 MR. McCALL: It's not in here.

23 MR. EDELIN: The picture? You may
24 have given it to me.

1 MR. McCALL: Your Honor, at this
2 point we're going to go back into this bedroom.

3 THE COURT: Showing the neck brace
4 there and then apparently trying to show Mrs.
5 Matusiewicz wearing the neck brace and tying it
6 in by some other piece of evidence you are about
7 to show me.

8 MR. McCALL: Right, which I don't
9 have, but it's the photograph that I think --

10 THE COURT: Where I believe Mr.
11 Bostic was edited out.

12 MR. McCALL: He was edited out,
13 and Agent Gordon recovered the picture off of
14 the Internet from a hearing that occurred in
15 this case. It was David Matusiewicz's violation
16 of supervised release hearing which Mr., Agent
17 Gordon attended, saw Lenore Matusiewicz in a
18 neck brace.

19 THE COURT: What was the date of
20 the hearing?

21 MR. McCALL: February 2013.

22 THE COURT: And what was the date
23 that the neck brace was seen on?

24 MR. McCALL: February 13th. I

1 don't think it's the same neck brace, but the
2 fact that --

3 MR. EDELIN: I would ask that he
4 lower his voice.

5 MR. McCALL: I'm sorry. I
6 apologize. The fact that there's a neck brace
7 here in this room with women's clothing and then
8 Lenore Matusiewicz is seen very shortly in time
9 wearing the neck brace ties her to this room and
10 the documents inside the room.

11 THE COURT: All right. And is
12 there any problem from Mr. Bostic about his
13 picture, hearing the evidence?

14 MR. BOSTIC: I think my picture is
15 cropped out. I thought it was a good picture of
16 me on the other hand.

17 No. I think it needs to be
18 cropped out.

19 THE COURT: All right. But you're
20 showing the date, I take it, or what are you
21 showing to link it in?

22 MR. McCALL: I'm just going to
23 have his testimony that this is a picture from a
24 court hearing in February of 2013.

1 THE COURT: I will allow it as
2 circumstantial evidence that perhaps whatever
3 was found in that room belongs to Lenore
4 Matusiewicz.

5 MR. McCALL: What I would ask, if
6 I can just lead him through that a little bit so
7 he does not start talking the supervised release
8 hearing or anything like that.

9 THE COURT: That would be
10 Mr. Edelin's call.

11 MR. EDELIN: That's fine. And
12 obviously, my objection, my original objection
13 stands. It's being overruled.

14 THE COURT: Yes. It's being
15 overruled. Preserved for the record.

16 MR. EDELIN: Yes, sir.

17 THE COURT: All right. I think we
18 have that sorted out. May I see the photo?

19 MR. McCALL: Yes, your Honor.

20 THE COURT: Just for a precaution.
21 I'm looking at what the government has
22 identified as Exhibit 726. It shows the
23 defendant, Lenore Matusiewicz, with a microphone
24 from 6 ABC in front of her wearing a neck brace.

1 I understand Agent Gordon will provide us with a
2 time frame for the photograph and link it to the
3 date of the search. Correct?

4 MR. McCALL: Yes, your Honor.

5 THE COURT: On that basis, the
6 objection is overruled. You may proceed.

7 (End of sidebar conference.)

8 MR. McCALL: All right. If we
9 could pull up Government Exhibit 71, page 1, and
10 compare it to Government Exhibit 80-A.1.

11 BY MR. McCALL:

12 Q. And, again, what is the room that
13 we're looking at in Government Exhibit 80-A,
14 Special Agent Gordon?

15 A. So now we're in the southeast
16 corner of the bedroom. As you look at the
17 diagram, it's on the lower left where the red
18 box is going. And this is a picture taken, if
19 you were just standing just inside the door of
20 that bedroom.

21 MR. McCALL: Okay. Can we pull up
22 on the right side Government Exhibit 80-E.

23 BY MR. McCALL:

24 Q. Now, Special Agent Gordon, let me

1 stop you there.

2 What is just above the green crate
3 that we see here, the item that's white?

4 A. So you see a cervical neck collar
5 right next to the lamp, between the milk crate
6 and the lamp.

7 MR. McCALL: Thank you. You can
8 back out of that, please. And then on the left
9 side, can you please pull up Government
10 Exhibit 726.

11 BY MR. McCALL:

12 Q. Okay. Who is the person in
13 Government Exhibit 726?

14 A. Lenore Matusiewicz.

15 Q. Now, photograph 80-E, that was
16 taken on February 12th, the day after the
17 shooting in this case; is that correct?

18 A. Yes. It was taken during the
19 search of the Edcouch residence. Correct.

20 Q. And the photograph that's
21 Government Exhibit 726, you pulled that off of
22 the Internet; is that correct?

23 A. Correct. I went on the Internet,
24 pulled off the stories, you know, about the

1 incident after the shooting, and this is a
2 photograph from that period after the shooting.

3 Q. All right.

4 A. I believe that's David Henry,
5 Channel 6 News reporter.

6 Q. All right. And that's a, that's a
7 photograph from a court hearing that occurred in
8 this case in the weeks after February 11, 2013?

9 A. Correct.

10 Q. And that's a hearing that you
11 attended?

12 A. Correct.

13 Q. What is Lenore Matusiewicz wearing
14 in this photograph?

15 A. A cervical neck collar.

16 MR. McCALL: All right. Can we
17 pull up Exhibit 196, please. Can you enlarge
18 the top portion?

19 BY MR. McCALL:

20 Q. Okay. This is an e-mail from --

21 A. This is from David Matusiewicz,
22 dated March 21st, 2011, and it's to the A1BBQ
23 account, Tom and Lenore Matusiewicz. The
24 subject is, "Two cents."

1 Q. And what does it say next?

2 A. Thought you all might enjoy Mags
3 take on the appeal.

4 Q. All right. And then I see the
5 name Magda Menner?

6 A. Correct.

7 Q. Again, who is Magda Menner?

8 A. Magda Menner is reportedly a
9 friend of David Matusiewicz. She lives in Upper
10 New Jersey, was interviewed by the FBI.

11 Q. All right. And can you just set
12 this up and explain the context of the
13 highlighted portion of this e-mail that you are
14 about to read?

15 A. So this e-mail, in this e-mail,
16 David is forwarding it over to the A1BBQ
17 account, and he's commenting essentially that I
18 guess they've given information to Magda Menner
19 about their allegations, and this is Magda
20 Menner's e-mail detailing, you know, her
21 comments or her opinion about the, about the
22 information.

23 Q. Okay. Can you please read this
24 e-mail into the record?

1 A. "You want my input on the bullet
2 points, here it is.

3 "One, utilizing Amy's testimony,
4 that she knew of Laura's child abuse by your
5 ex-wife and didn't report it. Brilliant. Let's
6 get the sworn testimony of an R.N. that she
7 contributed to child neglect by not reporting it
8 and get her license pulled by the Texas Board of
9 Nursing. There are medical records that can
10 substantiate the abuse claim -- right? Of any
11 child?"

12 THE COURT: Members of the jury,
13 let me -- your screen over there is not working.
14 Let's see what happens if I do this. It's not
15 on my end.

16 While we're dealing with
17 technology, let me deal with the evidence, all
18 right, because I previously made a ruling about
19 this exhibit.

20 What you are reading or have just
21 had read to you, members of the jury, is an
22 e-mail from a third party, someone who was not
23 here in court, who is not subject to
24 cross-examination. By definition, that's

1 hearsay because it's an out-of-court statement.
2 So you may not consider the substance of what
3 that person is saying in the e-mail in terms of
4 their opinion, which, by the way, may or may not
5 be relevant, but it does bear upon the feedback
6 that was brought to the attention of one or more
7 of the defendants at the time, and for that
8 purpose you may consider it only for the notice
9 that it gives or the information it conveyed,
10 not for the opinion or the substance of the
11 opinion being communicated.

12 I think we're live now. Thank you
13 and thank you for cuing us on the glitch.

14 MR. McCALL: Can you pull up 197,
15 page 1, please.

16 BY MR. McCALL:

17 Q. Okay. All right. And this is
18 another package of polygraph results and
19 letters; is that correct?

20 A. That's correct.

21 Q. And then if you can just begin to
22 scroll quickly through 197 to give the jurors a
23 sense, again, what are we seeing in the
24 documents in this package?

1 A. Copies of the polygraph that's
2 administered and reported by Mr. Capuchina.

3 MR. McCALL: Keep going. And if
4 you could go to, actually, just go to page 19.

5 BY MR. McCALL:

6 Q. All right. Now, pages 19 to 38,
7 what are those, Special Agent Gordon? Can you
8 summarize them?

9 A. As we go through, these are the
10 letters that are sent to the different
11 commissioners, Delaware authorities, with kind
12 of all the same language. And as you can go
13 through, you see it's just the address or
14 salutation that changes. Dear Commissioner, and
15 then it's Mayo, Kenny.

16 Q. Okay. And these are like the
17 cover letters for all the commissioners of the
18 Family Court for the State of Delaware?

19 A. Correct.

20 Q. For the polygraphs?

21 A. Directing them to the website,
22 JonBenet's True Case History.

23 Q. And it also has judges as well?

24 A. That's correct. If you keep

1 going, it has judges, different Delaware
2 authorities.

3 Q. And these are judges that have
4 nothing to do, nothing to do with Matusiewicz's
5 either termination of parental rights hearing;
6 is that correct?

7 A. Correct.

8 Q. Or the petition for visitation and
9 what have you that either Amy Gonzalez or Thomas
10 Matusiewicz were involved in?

11 A. That's correct. Everything I
12 reviewed, this is probably the only place I see
13 these Judges names or Commissioners' names.

14 MR. McCALL: Now, can we turn to
15 Exhibit 211, please.

16 BY MR. McCALL:

17 Q. All right. Now, this is the --
18 what is Exhibit 211, Special Agent Gordon?

19 A. Well, we're still in the southeast
20 corner bedroom. I talked about the milk crate.
21 How I described it, it was the off-colored green
22 crate that was sitting on a desk, and from that
23 came this yellow pad of paper. It was a smaller
24 pad of paper. You know, not as big as an

1 eight-and-a-half by eleven, maybe five-by-eight.

2 And this was a copy of the original little pad.

3 Q. And why was this, why was this pad
4 important to the investigation?

5 A. You know, the first two pages were
6 pretty significant just based on reading it, and
7 these are, before we even got the evidence up
8 here, agents and officers in Hidalgo County had
9 taken photos of this, so we had seen this pretty
10 early.

11 Q. Let's turn to page 3 first of this
12 exhibit. Okay. And if you could read the part
13 where it begins, Dr. Monica Bocanegra.

14 A. 6/21/2011, Dr. Monica Bocanegra,
15 Dr. Samuel Romirowsky, Timothy Hitchings and
16 Judge Barbara Crowell weren't there each time to
17 console Laura when she woke from her worst
18 nightmare. Mommy was in a big hotel and she
19 turns as if on camera and says, 'I'm coming to
20 get you, Laura, and this time you'll have to
21 come with me.'

22 "Grandma and daddy couldn't be
23 there to console her when her nightmare came
24 true.

1 "Dr. Bocanegra and Romirowsky took
2 oaths that state that, first of all, they should
3 do no harm. Mommy, Christine Belford Purcell
4 has custody of Laura, Leigh and Karen as well as
5 Catherine Moffa.

6 "Laura has gained a lot of weight.
7 Leigh is autistic and is losing language, and
8 Karen has started gaining weight like Laura. Is
9 anyone there now to console my, crossed out, our
10 girls? More information is on [www.JonBenets](http://www.JonBenetsTrueCaseHistory.Com)
11 [True Case History.Com](http://www.JonBenetsTrueCaseHistory.Com)."

12 Q. Now, Agent Gordon, what's the date
13 that's listed at the top of this particular page
14 in this notebook?

15 A. 6/21/2011.

16 Q. How was that -- do you recall how
17 that date was significant in the termination of
18 parental rights hearing, sir?

19 A. Sure. As I said earlier, the
20 termination of parental rights trial wasn't a
21 trial with all the days in a row like we are
22 here. It was spread out over a significant
23 period of time, and on June 23rd, 2011, there
24 was another court day in that, in that trial

1 process.

2 MR. McCALL: And can we go back to
3 page 2.

4 BY MR. McCALL:

5 Q. And so the page that precedes the
6 comments about Dr. Bocanegra and Romirowsky,
7 this page discusses Christine Belford; is that
8 correct?

9 A. Correct.

10 MR. McCALL: Okay. Can we please
11 enlarge where it says, "I and mom"?

12 BY MR. McCALL:

13 Q. And what does that say?

14 A. So it says, "Mom, I had been told
15 she should have, quote, 'killed the bitch,' end
16 quote when she had the chance."

17 Q. Keep going.

18 A. "By a good friend but couldn't do
19 it. Kidnapping to get them to safety was a
20 quote 'second choice.'"

21 Q. Okay. Can we go to Exhibit 210,
22 please. This is again another note, Special
23 Agent Gordon, that was found in the southeast
24 corner bedroom; is that correct?

1 A. That's correct.

2 Q. All right. Can you please read
3 the highlighted portion of this note?

4 A. "Thank God. Hallelujah. Saints
5 be praised. You've finally admitted to an
6 authority figure that you hate me so much that
7 you want to see me dead. Too bad you didn't
8 admit that back in '97 or '98 when we first met
9 and in '04 when you poisoned me. It would have
10 saved a lot of time, energy and pain on both our
11 parts."

12 Q. All right. All right. That
13 concludes the documents that law enforcement
14 recovered from the Edcouch residence; is that
15 correct?

16 A. That's correct.

17 MR. McCALL: Judge, I would offer
18 at this time Government Exhibit 748, which is a
19 stipulation between all the parties in this
20 case.

21 THE COURT: All right. And
22 hearing no objection, do you want to publish it
23 to the jury now?

24 MR. McCALL: I would. Does the

1 Court want the witness to read it into the
2 record?

3 THE COURT: How long is the
4 stipulation?

5 MR. McCALL: It's one paragraph,
6 your Honor.

7 THE COURT: You may read it in,
8 Mr. McCall.

9 MR. McCALL: Thank you, your
10 Honor.

11 Government Exhibit 748 is a
12 stipulation. It indicates all the parties in
13 the case, including the government and the
14 defendants, David Matusiewicz, Lenore
15 Matusiewicz and Amy Gonzalez, hereby agree to
16 the following stipulation of facts.

17 One, an investigator hired by the
18 Federal Public Defender's Office seized a series
19 of documents from the residence located at 26925
20 FM 1015, Edcouch, Texas, in December 2013.
21 Those documents are marked Government Exhibits
22 220 to 234. The parties agree those exhibits
23 are admissible into evidence, and it has
24 everybody's signatures.

1 And I'm actually going to go ahead
2 and date it right now, your Honor.

3 (Government Exhibit No. 748 was
4 admitted into evidence.)

5 THE COURT: That's fine.

6 Again, members of the jury, this
7 saves time when we get an agreement like that
8 from counsel, and I thank all counsel for their
9 cooperation.

10 BY MR. McCALL:

11 Q. All right. Special Agent Gordon,
12 you've reviewed the documents that were
13 retrieved from the Edcouch residence by the
14 investigator from the Federal Public Defender's
15 Office; is that correct?

16 A. I have.

17 Q. Okay. Let's start with
18 Exhibit 223. All right.

19 MR. McCALL: Can you enlarge the
20 top left portion?

21 BY MR. McCALL:

22 Q. All right. Can you just summarize
23 for the jurors what we're looking at in
24 Exhibit 223?

1 A. So these are a list of dates,
2 month, day, year, and then a comment next to
3 each. These appear to be somebody reviewed the
4 diary of Christine Belford and made notes.

5 Q. What are the years that are
6 indicated here?

7 A. It starts out, you know, in 1986
8 all the way through 1988.

9 Q. Let's turn to Exhibit 225. What
10 is Exhibit 225?

11 A. This is a correspondence from the
12 Texas Optometry Board to David Matusiewicz,
13 addressed to him.

14 Q. What's the date?

15 A. This is November, it's either 13
16 or 18. November 13, 2012.

17 Q. Okay. And the bottom part of the
18 highlighted section, what does that indicate?

19 A. So do you want me to read it or
20 summarize?

21 Q. You can summarize it, if you can.

22 A. Okay. So it's essentially the
23 Texas Optometry Board telling David Matusiewicz
24 that they are not going to grant him a license

1 to practice in the state of Texas.

2 Q. Unless he meets one of these three
3 criteria; is that correct?

4 A. Exactly.

5 Q. All right. And the three
6 criteria. Number one indicates the applicant is
7 licensed in good standing as a therapeutic
8 optometrist in another state; is that correct?

9 A. That's correct.

10 Q. And was he, was he in good
11 standing and licensed in any other state in
12 November of 2012?

13 A. I know from Delaware, by this
14 time, he had been revoked.

15 Q. And number 5 indicates the
16 applicant's license has never been suspended or
17 revoked; is that correct?

18 A. That's correct.

19 Q. Okay. And what was the status of
20 David Matusiewicz's license at this time in
21 Delaware?

22 A. In Delaware it had been revoked.

23 Q. So that left -- that left No. 5;
24 is that correct?

1 A. Correct.

2 Q. And what does the "according to"
3 portion of this document indicate?

4 A. According to the information
5 provided in your letter, confirmed on the
6 website for the State of Delaware, you do not
7 meet requirements in Subsection 1 and 5, and
8 then it said, it is difficult to tell from the
9 information you provided with your application,
10 but you also may not meet qualification in
11 subsection three, which essentially he had to be
12 practicing a certain number of years, I think
13 it's five of the last seven years as it reads.

14 Q. And, again, based on the
15 investigation, had he been practicing five
16 of the last seven years as a full-time
17 optometrist?

18 A. If you go back, you know, seven
19 years, that would put him, you know, basically
20 he had kidnapped the kids, been incarcerated, so
21 he wasn't practicing from 2007 on to current.

22 Q. Now, let's turn to Government
23 Exhibit 228. What's the date of this letter?

24 A. August 12th, 2010.

1 Q. And who is it to?

2 A. Lenore Matusiewicz.

3 Q. Okay. And Fran?

4 A. Fran is another name that we see
5 in reference to Lenore. There's, for example,
6 the YouTube comments, Señora Fran. I believe
7 it's Lenore F. or Lenore Frances Matusiewicz.

8 Q. And what does the highlighted
9 section of this letter indicate, Special Agent
10 Gordon?

11 A. "As to notifying the Moffas and
12 Purcells, I think it would be prudent to wade
13 through in the form of Orlov's report.
14 Otherwise, we appear to be fabricating a story
15 to further our own agenda. That's only my two
16 cents, though. I trust you to make a judgment
17 call here based upon what you know of Chris,
18 Chris' past behavior. She will forever more
19 be pulling out Romirowsky's report stating
20 she's perfectly sound of mind and I'm the
21 lunatic."

22 Q. Now, let's turn to Exhibit 229.

23 All right. Exhibit 229. What is
24 229, Special Agent Gordon?

1 A. You call this a journal or diary.
2 It's of Lenore Matusiewicz. If you look at the
3 date, 4/24/10, and right next to it, frame of
4 reference, Cortez, Correctional Officer, 8:00
5 to 4:00 today. Her journal at this point in
6 time at least while she's incarcerated.

7 Q. This is part of a much larger
8 journal?

9 A. Yes. It's in a book.

10 Q. All right. And the highlighted
11 entry is from what day? What date?

12 A. In this case, it's 4/24/10, SAT,
13 Saturday.

14 Q. Can you please read the
15 highlighted portion?

16 A. "Told Tom, don't push, quote,
17 'lick the lollipop,' end quote, unless Amy is
18 absolutely sure Laura told her mommy did it."

19 Q. Let's go to Exhibit 230, please.
20 Okay. What's the entry for this date?

21 A. It's 4/5/10. It says, Tom --

22 Q. Hold on one second.

23 A. I'm sorry.

24 MR. McCALL: Let's blow it up.

1 Enlarge it, please.

2 BY MR. McCALL:

3 Q. Now, before you read it,
4 April 5th, 2010. How was that significant as it
5 related to Laura Matusiewicz and Monica
6 Bocanegra?

7 A. As far as --

8 Q. What was happening in the course
9 of their therapy sessions around this time?

10 A. So at this point Laura and Dr.
11 Bocanegra had worked out that maybe Tom
12 Matusiewicz could visit for a session.

13 Q. Special Agent Gordon, can you
14 please read the highlighted portion of this
15 document?

16 A. "Tom, Laura, Chris have an
17 appointment today with Laura's psychiatrist.
18 Tom has to be extra good and remember not to
19 call Christine the, quote, 'whore bitch,' end
20 quote, and don't touch her.'

21 MR. McCALL: Exhibit 233, please.

22 BY MR. McCALL:

23 Q. This is another order dismissing
24 the petition for visitation; is that correct?

1 A. Correct.

2 Q. This is for Tom Matusiewicz?

3 A. That's correct.

4 Q. Dated November 16th, 2011; is that
5 correct?

6 A. Correct.

7 Q. 234. All right. Now, this is the
8 final document that we're going to look at that
9 was seized by the investigator hired by the
10 Federal Public Defender's Office.

11 What's the date of this e-mail,
12 Special Agent Gordon?

13 A. October 18, 2011.

14 Q. Who is this e-mail from?

15 A. This is from Amy Gonzalez at the
16 AOL account to A1BBQ@juno.com.

17 Q. Okay. What does the subject line
18 say?

19 A. "Message to Don from Dave."

20 Q. Now, who is Don?

21 A. I believe that to be Don Roberts,
22 the attorney representing Dave for the
23 termination of parental rights trial.

24 Q. All right. And now before we get

1 into the body of the e-mail, again, can you just
2 explain the context of what's happening here in
3 this e-mail for the jurors?

4 A. So this is an e-mail that was
5 originally sent to, it was originally sent to
6 Don from Dave, and then Amy is forwarding it
7 onto the A1BBQ account.

8 Q. We see, do not respond. This is
9 a message from Don to Dave. Love ya, Amy?

10 A. Yes. If you look at all the caps,
11 capitalized, correct.

12 Q. In the message from Dave
13 Matusiewicz, let's just focus on the highlighted
14 portion. What does that say?

15 A. "The only people Laura ever spoke
16 with concerning her molestation were my mother
17 and sister."

18 MR. McCALL: Could you please push
19 this off to the left. And can you pull up
20 Exhibit 121.01?

21 BY MR. McCALL:

22 Q. All right. And, again, our frame
23 of reference, Exhibit 121 was a document pulled
24 from the Edcouch house; is that correct?

1 A. That's correct.

2 Q. And this is an e-mail from Dave
3 Matusiewicz; is that correct?

4 A. That's correct.

5 MR. McCALL: Now, can you slide
6 that down so we can see the date of the e-mail?
7 Thank you.

8 BY MR. McCALL:

9 Q. And so this is an e-mail from
10 David to Amy, January 2011.

11 MR. McCALL: All right. Can
12 you please enlarge them both so we can compare
13 them?

14 MR. IBRAHIM: Judge, I'm going to
15 object to that characterization that this was an
16 e-mail from David to Amy. It actually was an
17 e-mail from someone else just going through Amy,
18 through.

19 THE COURT: That objection is
20 noted. The jury can read the heading and the
21 attachment.

22 BY MR. McCALL:

23 Q. Okay. So in the October 2011
24 e-mail, what does David Matusiewicz say as it

1 relates to the disclosure of molestation?

2 A. So the October 1st, the one on the
3 left, the only people Laura ever spoke with
4 concerning her molestation were my mother and
5 sister.

6 Q. And then what does it say in the
7 January 2011 e-mail?

8 A. Right. The January e-mail to the
9 right: "When questioned by me and members of
10 my family, Laura stated that her mommy had been
11 teaching her where the G-spot was, inserting
12 things and fingers into my daughter's vagina."

13 Q. Okay.

14 A. "And demonstrating to her how she
15 liked to be pleased sexually."

16 Q. All right. Let's move on to
17 Government Exhibit 276.

18 Now, there is also a search done
19 of, I think you mentioned it earlier, Amy
20 Gonzalez's house; is that correct?

21 A. That's correct, in August 2013.

22 Q. And a series of documents were
23 taken from that house; correct?

24 A. Yes.

1 Q. All right. I want to show you
2 Exhibit -- I'm sorry. 276 is what?

3 A. So this is an FBI diagram sketch
4 not to scale of the first floor or the lower
5 level of Amy Gonzalez's residence on Sinatra
6 Drive.

7 MR. McCALL: Exhibit 277, A
8 through C, please.

9 BY MR. McCALL:

10 Q. This is one of the rooms in the
11 house?

12 A. Correct. We're in one of the
13 rooms and this is a closet inside the room.

14 MR. McCALL: Okay. Can you show
15 rooms B and C?

16 BY MR. McCALL:

17 Q. Again, this is room C in the
18 diagram?

19 A. Correct.

20 Q. All right.

21 MR. McCALL: 278, please.

22 BY MR. McCALL:

23 Q. What is 278?

24 A. A letter to Dr. Monica Bocanegra

1 from Tom Matusiewicz.

2 Q. Okay. So this is found in Amy
3 Gonzalez's house. Again, we've seen this letter
4 before?

5 A. Yes.

6 MR. McCALL: All right. Let me
7 skip to 287, please.

8 BY MR. McCALL:

9 Q. All right. 287. You've seen this
10 exhibit; correct, Special Agent Gordon?

11 A. I have.

12 Q. It's approximately 83 pages long;
13 is that correct?

14 A. Approximately, correct.

15 Q. And tell the jurors what this is.

16 A. So in the search we had found
17 basically Certified Mail receipts, mail receipts
18 just listing out all these different entities
19 where it appears that documents were sent.

20 Q. And so --

21 A. News services. So a lot of news
22 services. I think we saw Harpo Studios. And
23 then you get into other Delaware authorities.
24 You know, Judge Poppiti there at the end, and

1 then again more receipts. Delaware Family
2 Court.

3 Q. I think we saw Prime Time; is that
4 correct?

5 A. Correct. And then here's one for
6 James Woods, return address from Lenore.

7 This is James Woods, Family Court,
8 New Castle County.

9 Q. All right.

10 A. Numerous.

11 Q. Can we turn to Exhibit 288-A and
12 B. Okay. What is 288-A?

13 A. So this is another photograph in
14 the closet, and in this case, the safe on the
15 floor.

16 Q. What is 288-B?

17 A. So from there, so this is looking
18 down on top after it was opened. And these are
19 identifications, credit card or debit card,
20 Thomas S Matusiewicz, Blue Cross/Blue Shield
21 card in the name of Thomas Matusiewicz.

22 Q. Okay. This is in the safe in Amy
23 Gonzalez's house; is that correct?

24 A. Correct.

1 MR. McCALL: 289, please. Can you
2 highlight the top portion of this document? I'm
3 sorry. Enlarge.

4 BY MR. McCALL:

5 Q. Now, this was a document found in
6 the safe; is that correct?

7 A. Correct.

8 Q. All right. Can you please read
9 the handwriting on this document?

10 A. It says, quote, "Photo of mom,
11 also known as Mother Teresa. Who says God
12 doesn't have a sense of humor? He, quote,
13 'married us,' didn't he?"

14 MR. McCALL: If we go to the next
15 page, please.

16 BY MR. McCALL:

17 Q. All right. It says, "Always
18 remember" on the left. And can you read the
19 handwriting on the bottom?

20 A. "Amy, you are half your Mother
21 Teresa, half dad, Atilla the Hun, which means
22 always say please and thank you before you beat
23 the living shit out of someone. Take no B.S."

24 MR. McCALL: Next page, please.

1 BY MR. McCALL:

2 Q. And this would be -- what is it?

3 A. The envelope where it was found
4 with it.

5 MR. McCALL: Next page, please.

6 And you can go to the next page. Okay.

7 BY MR. McCALL:

8 Q. Again, this is in the safe; is
9 that correct?

10 A. It is.

11 Q. Can you please read the enlarged
12 section of this exhibit?

13 A. "I will be putting half my postal
14 pension, 288, for David's 'stash, other half for
15 Walt Disney World vacation in either late 2012
16 or 2013.

17 THE COURT: Mr. McCall, we're
18 ready for our afternoon break.

19 MR. McCALL: Your Honor, that's
20 fine.

21 THE COURT: Ladies and gentlemen,
22 we'll stand in recess.

23 (The jury was excused for a short
24 recess.)

1 THE COURT: As they're departing,
2 why don't you have counsel move to sidebar just
3 to save time.

4 (Sidebar conference held off the
5 record.)

6 THE COURT: All right. Why don't
7 you put that on the record. I have no problem
8 with that amendment.

9 MR. McCALL: No, Judge.

10 THE COURT: I will short-circuit
11 it. Mr. Bostic noted that the language in the
12 stipulation was more in a traditional law
13 enforcement mode using the verb, quote,
14 "seized," unquote. We will change that to
15 "recovered"?

16 MR. BOSTIC: Recovered.

17 THE COURT: Recovered. And the
18 government agrees, for which I thank them.
19 We'll go back off the record.

20 (Discussion held off the record.)

21 THE COURT: Why don't we go back
22 on the record.

23 MR. EDELIN: Are you also going to
24 speak with about scheduling? We're at 3:30 now.

1 Are you expecting cross today? I'm just trying
2 to -- and I don't know how much longer.

3 MR. McCALL: I'm trying to get
4 this done today.

5 THE COURT: Trying to get the
6 direct done?

7 MR. McCALL: Yes.

8 THE COURT: All right. Good. Why
9 don't we push through then even if we have to
10 sit until quarter to 5:00 to try to finish the
11 direct. All right? And that will -- I always
12 found as a lawyer, if I had to overnight to
13 organize my cross, it was always quicker.

14 MR. IBRAHIM: Definitely. It's
15 going to save having to go through books.

16 MR. McCALL: Yes.

17 THE COURT: It absolutely will.

18 MR. McCALL: I just need to go
19 back. My brain is a little --

20 THE COURT: It has been a long
21 day.

22 MR. McCALL: It has been a long
23 day.

24 MR. McANDREW: We can tender the

1 witness in the morning.

2 MR. McCALL: I think I have enough
3 to do for another hour.

4 THE COURT: Well, if not, and the
5 worst case scenario would be that I call a
6 recess anyway.

7 MR. McCALL: Yes. I just don't --

8 THE COURT: Just say, members of
9 the jury, because it is the case agent and so
10 much material has been covered, I think it makes
11 more sense to recess now just to give defense
12 counsel time overnight to organize, and I speak
13 as someone who has practiced law and do it that
14 way. All right?

15 So I will take you off the hook
16 for timing.

17 MR. McCALL: I just -- I'm going
18 to push to get it done.

19 THE COURT: But if you get done
20 early --

21 MR. McCALL: I can't remember if
22 I'm going to finish early.

23 THE COURT: If you were to finish
24 early, you're not going to pay a price.

1 MR. McCALL: Yes.

2 THE COURT: I try to be the
3 lightning rod in terms of anything that's going
4 on logistically in the courtroom. I do that as
5 one of the services I can provide.

6 While we're back on the record, we
7 will talk about the fact I'm going to make a
8 request first of the Marshals that there be time
9 for the defendants in the case to meet with
10 counsel about the family development; and,
11 second, I will send an e-mail to counsel for the
12 Bureau of Prisons at the Federal Detention
13 Center in Philadelphia, advising her that it
14 would be of assistance to the Court if some
15 means of communication were arranged so as to
16 minimize disruption of the trial.

17 Anything further?

18 MR. McCALL: No, your Honor.

19 MR. EDELIN: Can we have five
20 minutes before the jury comes out? I don't know
21 if we ever got a chance to try to call.

22 THE COURT: Counsel, whatever time
23 you need, that's fine.

24 MR. EDELIN: Thank you.

1 (Short recess taken.)

2 - - -

3 (Proceedings resumed after the
4 short recess.)

5 THE COURT: Counsel, we'll bring
6 in the jury.

7 MR. McCALL: Judge, I just have
8 one very brief issue.

9 THE COURT: Please. Everyone be
10 seated.

11 Mr. McCall?

12 MR. McCALL: Judge, I skipped over
13 these. I'm sorry. Exhibits 281 and 282 for the
14 government are just the front of Composition
15 notebooks that belong to Christine Belford from
16 her childhood. I'm not getting into them.

17 THE COURT: All right.

18 MR. McCALL: I was going to show
19 the front of the book to show they're in Amy
20 Gonzalez's house.

21 THE COURT: Right. Understand.

22 MR. McCALL: Okay.

23 THE COURT: I think we've allowed
24 the reference to the to the existence of the

1 diary. We allowed into evidence that it was
2 transmitted to other people. We just have not
3 gotten into contents.

4 MR. McCALL: Thank you, your
5 Honor.

6 THE COURT: If all counsel are
7 ready, I would ask to please bring in the
8 jury.

9 (The jury entered the courtroom
10 and took their seats in the box.)

11 THE COURT: All right. Get back
12 to work. Thank you.

13 Mr. McCall, go ahead.

14 MR. McCALL: Thank you, your
15 Honor.

16 BY MR. McCALL:

17 Q. Special Agent, before the break we
18 were reviewing one of the documents that was
19 recovered from a safe in Amy Gonzalez's house?

20 Do you recall that?

21 A. I do.

22 Q. All right. And we're looking at
23 the highlighted portion, which is the last page
24 of the document that you've been reviewing with

1 the jurors; is that correct?

2 A. Correct.

3 Q. Now, it indicates that -- again,
4 let's do it this way. Can you just read again,
5 just to reorient the jurors, the highlighted
6 portion?

7 A. Sure. It says, "I will be putting
8 half my postal pension, 288, for David's, quote
9 'stash,' end quote. Other half for Walt Disney
10 World vacation in either late 2012 or 2013."

11 Q. The last time there was a Walt
12 Disney World trip as it relates to David
13 Matusiewicz, what happened?

14 A. The girls were taken to Central
15 America, kidnapped by David and Lenore.

16 MR. McCALL: Can we please turn to
17 Exhibit 290.

18 BY MR. McCALL:

19 Q. And so what's 290?

20 A. So another interior picture or
21 photograph from the search, and No. 11 is FBI
22 markings where we took the documents from that
23 three drawer cabinet there.

24 Q. All right. Let's look at

1 Government Exhibit 291, please. Can you tell
2 us, this is a letter; is that correct?

3 A. Correct. Dated 2/26/2010, and
4 addressed to Amy. "Hi, Amy."

5 Q. And who wrote the letter?

6 A. This is Tom.

7 Q. Okay. Can you please -- can you
8 just please read the highlighted portion?

9 A. "I attended mom's graduation on
10 the 23rd/same day WB, whore bitch, got papers
11 served."

12 Q. What's the next word?

13 A. "Yeah."

14 Q. Can you please turn to
15 Exhibit 292. And, again, this is another series
16 of what, Special Agent Gordon?

17 A. Again, we found in the house in
18 that closet just numerous certified mail, return
19 receipt. You know, U.S. Postal Service receipts
20 for various entities within the State of
21 Delaware, news, that type of thing. Barbara
22 Walters. And this, the return, Amy Gonzalez
23 with the Sinatra Drive address.

24 MR. McCALL: Can you go back to

1 that last one?

2 BY MR. McCALL:

3 Q. And what Judge is on that
4 document?

5 A. That is the Honorable judge Diane
6 Clarke Streett, who we heard from her legal
7 assistant the other day.

8 Q. Now, can you please turn to
9 Exhibit 294. Again, this is a letter to
10 whom?

11 A. This is to Amy, and also addressed
12 is her husband, Juan, in this copy.

13 Q. And who is it from?

14 A. Thomas. Thomas Matusiewicz.

15 Q. And the date?

16 MR. McCALL: Can you back out so
17 we can see the date?

18 THE WITNESS: 7/24, Saturday.

19 BY MR. McCALL:

20 Q. Okay. What does the highlighted
21 portion say?

22 A. "I'm pretty well packed up with
23 the shit house and will leave Friday and early
24 to beat some of the heat."

1 Q. Okay. Please turn to page 2. All
2 right?

3 First of all, whose name is at the
4 bottom?

5 A. This says "Dad."

6 Q. All right. Can you start at the
7 top and read the highlighted portion?

8 A. "We have been on the defensive
9 from the get-go. Now we are on the offensive
10 and going for the jugular to start.

11 "mom made some beautiful
12 pillowcases for our four girls. I am still
13 cking, checking (always) on the WB's whereabouts
14 and her new mark. I will see all the girls
15 again as we are all share. She cannot keep them
16 at all costs. We all shall. She cannot keep
17 them at all costs.

18 "You only -- you only have to look
19 at mini me Kate to see just how your Honor
20 pardon, fucked up they will become. Even Laura
21 said mommy lies. She cannot and will not have
22 our girls into her old age. Ain't going to
23 happen."

24 MR. McCALL: 295, please.

1 BY MR. McCALL:

2 Q. This is another letter to Amy
3 Gonzalez; is that correct?

4 A. Yes. This one is "Hi, Amy," dated
5 7/13/2010. Below that it says, "Our Karen's
6 b'day."

7 Q. The first highlighted portion?

8 A. "I sent you previously a copy of
9 the letter from WB to forward to Duarte. Let
10 him earn his keep. Mom has no money and dad
11 gives up no money. No way, no how, never."

12 Q. Okay. Hold on.

13 All right. Let's turn to the
14 second highlighted portion. Go ahead.

15 A. "We must drink to WB's final day
16 as well when we meet again."

17 Q. Page 2, please read the
18 highlighted portion.

19 A. "Do get yourself armed, dear, so
20 you will be ready for the, 'welfare riots soon
21 to come,' when people lose everything... they
22 lose it. Dad."

23 MR. McCALL: 297, please.

24 BY MR. McCALL:

1 Q. Who is that a birth certificate
2 for in 297?

3 A. This is Laura Matusiewicz's birth
4 certificate.

5 Q. Okay. Exhibit 300, please. And,
6 again, 300 is another series of what?

7 A. Series of receipts.

8 Q. Okay.

9 A. From the U.S. Postal Service.

10 Q. All right. Let's turn to
11 Exhibit 309. This is the last of five or so
12 exhibits from the house.

13 All right. Again, we have seen
14 this exhibit before; correct, Special Agent
15 Gordon?

16 A. Yes. This is the letter from
17 Christine Belford to Dave Matusiewicz,
18 November 21st, 2011, providing information about
19 the children.

20 MR. McCALL: Could we go to
21 Exhibit -- and let's circle back, if we can, to
22 Exhibit 281, please.

23 BY MR. McCALL:

24 Q. Okay. And can you tell the

1 jurors, this is in Amy Gonzalez's house; is that
2 correct?

3 A. That's correct.

4 Q. This is the front of what book?

5 A. This is the photocopy of the front
6 of the Composition book, Christine Belford
7 diaries journal.

8 Q. From what part of her life?

9 A. From her young teenage, you know,
10 late grade school, high school years.

11 MR. McCALL: Exhibit 282, please.

12 BY MR. McCALL:

13 Q. And, again, what's Exhibit 282?

14 A. A scan of a separate similar book
15 that was maintained by Christine.

16 Q. Now, computers were also seized
17 from Amy Gonzalez's house; is that correct?

18 A. That's correct.

19 Q. Can you describe the two types of
20 computers that were taken?

21 A. From Amy Gonzalez's house there
22 was -- there were two computers. One was a
23 Gateway desktop, so that was in the office area
24 of the house, and then there was a laptop that

1 was also a Gateway, but a Gateway laptop that
2 was in the main area of the house.

3 MR. McCALL: Judge, we're going to
4 just show the computers to Special Agent Gordon.

5 THE COURT: Understood.

6 MR. McCALL: For the record, AUSA
7 McAndrew has just handed Special Agent Gordon
8 two sets of computers.

9 MR. McANDREW: I will set them
10 down by the table.

11 BY MR. McCALL:

12 Q. Special Agent, do you recognize
13 the Gateway tower that's in front of you?

14 A. Yes. This is the Gateway tower or
15 desktop computer that we seized. This was from
16 the office area of the residence.

17 And then the second computer is
18 the Gateway laptop, and this was in the kitchen
19 area that was seized during the search when we
20 were down in Edinburg.

21 Q. Okay. And the laptop is
22 Exhibit 317, and the tower is 312; is that
23 correct?

24 A. Yes. The desktop tower part 312,

1 and the laptop 317.

2 Q. Very well. There was another
3 computer that was also seized from the Edcouch
4 residence going back to the prior search; is
5 that correct?

6 A. That's correct. So during the
7 original, during the search of the Edcouch
8 residence just after the February 11th shooting
9 date at the courthouse, Hidalgo County did
10 the search, and in this case, this is the Mac
11 Book Apple laptop that was seized during that
12 search.

13 Q. What exhibit number is that?

14 A. And that is Exhibit 212.

15 Q. Thank you.

16 Okay. I want to turn back briefly
17 to the Vista Con bag that has been discussed
18 early in your testimony. Okay?

19 MR. McCALL: Could we please pull
20 up Exhibit 242, page 9. And that's the first
21 page, that's the surveillance photos from that
22 bag; is that correct?

23 A. That's correct.

24 Q. Okay. Page 9, please. All right.

1 This was something that wasn't covered earlier
2 by Detective Goda who seized the bag. This is a
3 court document for what case?

4 A. This is in the District of
5 Delaware, the Federal District of Delaware, the
6 United States District Court. It's U.S. versus
7 David Matusiewicz.

8 Q. Okay. And we'll move through this
9 quickly.

10 Page 15. 242, page 15. Okay.
11 That's a legal redacted letter from who?

12 A. That would be Roberts Law LLC, but
13 the attorney Donald R. Roberts, Esquire.

14 Q. And he represented David
15 Matusiewicz in the termination of parental
16 rights trial?

17 A. That's correct.

18 Q. Page 17, please. This is an
19 e-mail with David Matusiewicz's e-mail address;
20 is that correct?

21 A. Yes. This is to David Matusiewicz
22 using eyeballs 20/20 at Gmail.com, and it's from
23 Chris Klaris, who is part of the Texas
24 Optometry, I forget their technical term, but

1 Board or licensing authority.

2 Q. Page 18. I'm sorry. Page 18.

3 And, again, another court document for the case
4 of United States of America versus David
5 Matusiewicz; is that correct?

6 A. That's correct.

7 Q. Page 19. What's page 19?

8 A. So this is an e-mail. True Links
9 is the federal BOP session for e-mail for
10 inmates and this is from Amy Matusiewicz.

11 Q. Okay. And whose name is at the
12 top of this document?

13 A. David Matusiewicz.

14 Q. Page 23. That's another
15 photograph that was inside the Vista Con bag; is
16 that correct?

17 A. That is correct.

18 Q. Page 25. Okay. Again, these are
19 all names that we've already discussed in this
20 case that are listed on page 25; is that
21 correct?

22 A. That's correct.

23 Q. And could you please read the
24 handwriting in the bottom portion of this

1 document?

2 MR. McCALL: Could you enlarge
3 that? Hold on.

4 THE WITNESS: "If you give God
5 everything you have, he will provide everything
6 you need. Those who fear God do not fear the
7 government as they want us to."

8 BY MR. McCALL:

9 Q. Page 26. Again, this is a letter
10 addressed to who?

11 A. This is to Dave Matusiewicz at the
12 address from Edcouch, Texas.

13 Q. Page 27. This is a letter
14 addressed to whom?

15 A. This is to Amy Matusiewicz at the
16 Sinatra Drive address and it's from the FCI,
17 David Matusiewicz.

18 Q. Page 30. That's a check. Can you
19 please let us know who is named at the top left
20 corner of this check?

21 A. Yes. That's David Matusiewicz
22 using the 819 Sinatra Drive address, where he
23 did reside for a period. It's to the Delaware
24 Victims Compensation. It's made out to the

1 Delaware victims Compensation Fund.

2 Q. Page 32. And, again, this is
3 another envelope that's addressed to which
4 person?

5 A. This is to David Matusiewicz from
6 the Office of Disciplinary Counsel, Carvel State
7 Office Building.

8 Q. Okay. Let's turn now to -- that
9 finishes up the remainder of some of the
10 documents that were recovered from the Vista Con
11 bag; is that correct?

12 A. That's correct.

13 Q. Let's turn now briefly to some of
14 the evidence that you are able to recover off of
15 the Internet. Okay?

16 A. Sure.

17 MR. McCALL: Can we pull up
18 Government Exhibit 320? And can you enlarge --
19 all right.

20 BY MR. McCALL:

21 Q. Can you just explain very briefly
22 to the jurors, this is a business certification
23 record; is that correct?

24 A. It is. When we subpoena or

1 conduct a search warrant with, you know, an
2 online provider, e-mail account, something of
3 that matter, or even a bank, we ask for bank
4 records, they usually provide a certificate of
5 authenticity that they certify this is a
6 business record kept in their normal course of
7 business.

8 Q. All right. If we go to the next
9 page.

10 MR. McCALL: All right. And can
11 you enlarge that?

12 BY MR. McCALL:

13 Q. And can you explain now to the
14 jurors what you were obtaining when you receive
15 these documents?

16 A. So Google, which now essentially
17 runs YouTube or owns YouTube, we had to go to
18 them to ask them who was the user name Voice For
19 the Voiceless. And so when we, you know,
20 conducted subpoenas, search warrants to ask for
21 that type of thing, this is what we're asking.
22 In this case, we're asking for that user name.

23 And then they come back and tell us
24 what the sign-up date is. In this case,

1 January 27, 2011. The IP address of the
2 Internet location, if you will of the person
3 that signed up, and then the e-mail used to sign
4 up that Voice For the Voiceless user name for
5 YouTube.

6 Q. Again, what was the significance
7 of the Voice For the Voiceless account?

8 A. Right. So when you went online
9 and saw the YouTube video of the, of Christine
10 Belford and her children out in the front yard,
11 it was posted by Voice For the Voiceless. So we
12 wanted to find out who was actually utilizing or
13 had used that user name. So that's why, once we
14 found the items on YouTube, then we went to them
15 and started to ask for the results.

16 Q. All right. Now, it was the IP
17 address that was significant; is that right?

18 A. Yes.

19 MR. McCALL: Can we turn to
20 Exhibit 321. All right. And if you can enlarge
21 the middle.

22 BY MR. McCALL:

23 Q. Okay. What does the middle
24 indicate?

1 A. Sure. If you look -- I'm not sure
2 it's in the middle there, but on the top, if you
3 look at the IP address, commercial IP address,
4 67.7I, what we asked for was where did that IP
5 address come back to? And in turn, we get back
6 that it's the Knapp Medical Center in Westlaco,
7 Texas.

8 Q. Who works there?

9 A. Amy Gonzalez.

10 MR. McCALL: 322, please.

11 BY MR. McCALL:

12 Q. And what are we looking at here in
13 322?

14 A. So, like Google, this is a
15 business record declaration from Yahoo! saying
16 that the information we requested was something
17 they kept in the normal course of business, and
18 they certify that it's true and accurate.

19 MR. McCALL: Go to the second
20 page, please. And what's the information? Can
21 you enlarge that?

22 THE WITNESS: So, again, what
23 we're trying to find out is now we know the
24 user, or, I'm sorry, the e-mail address that was

1 used for the registration of the Voice For the
2 Voiceless on YouTube.

3 We asked then Yahoo!, since it was
4 a YMail Yahoo! account, who did Children's
5 Advocate and YMail belong to. And we find the
6 registration IP address, when the account was
7 created, January 27, 2011, and then the full
8 name, you know. In this case, Pancho Lucas,
9 which we believe is fictitious.

10 Q. All right. Exhibit 324, please.
11 And, again, another certification of business
12 records; is that correct?

13 A. Exactly.

14 Q. All right. And this was in the
15 course of the investigation into the
16 Grandmother's Impossible Choice Web page; is
17 that right?

18 A. Yes. So putting YouTube aside,
19 now we're looking at the website JonBenet's True
20 Case History.Com. Within the website was the
21 page Grandmother's Impossible Choice. So we
22 were trying to find who was behind putting up
23 the JonBenet's True Case History website.

24 MR. McCALL: Can we please turn to

1 the second page of the exhibit. And can you
2 enlarge that? I think you need to capture more
3 of the middle.

4 THE WITNESS: You have to go down
5 a little bit more. Yes.

6 MR. McCALL: Perfect.

7 THE WITNESS: So when we go and we
8 ask for, you know, what's involved in the
9 website, we get back the organization, the
10 registration information. In this case, we find
11 that it's Melinda Kula of 107 Standish Place,
12 New Jersey.

13 Q. Who is Melinda Kula in relation to
14 the defendants?

15 A. So Melinda Kula is the
16 sister-in-law of Thomas and Lenore Matusiewicz.

17 Q. And then Government Exhibit 326.
18 And then just to close the loop, 326 are -- is
19 what?

20 A. These are screen shots. So
21 originally, when I went, I went on the Web,
22 found the website, it hadn't been active for a
23 moment in time. I was able to get the cache or
24 the history of a website being up. You know,

1 found the website address, and thence once I
2 grabbed that, that's how I do the other part of
3 the investigation. But here I took screen shots
4 from a computer and just captured it as it was
5 on a computer.

6 MR. McCALL: Okay. If you go to
7 the second page, please.

8 BY MR. McCALL:

9 Q. So the top was like the first
10 half, and this is page 2, the bottom half?

11 A. Correct.

12 Q. As you would scroll down the Web
13 page?

14 A. Correct.

15 Q. All right. Page 3. Page 4?

16 A. And then it goes on and on. So as
17 you scroll down the page, which you can't do on
18 paper per se, I take a shot, print it out, take
19 a shot, save it.

20 Q. All right. And is that the last
21 page?

22 All right. Let's turn now to
23 several e-mails that you recovered from the
24 RNAIM@aol.com account.

1 A. Okay.

2 Q. You mentioned earlier you
3 conducted a search warrant on this account?

4 A. That's right.

5 Q. 336, please.

6 MR. McCALL: Can you go to page 5
7 of this exhibit, actually? You can back out.
8 Okay.

9 BY MR. McCALL:

10 Q. And, again, this is an e-mail on
11 January 23rd, 2011; is that correct?

12 A. That's correct.

13 Q. And it's from the YouTube service;
14 is that right?

15 A. That's correct.

16 Q. To what account?

17 A. It says 22 Gonzalez sent the
18 e-mail, but the e-mail is RNAIM@aol.com.

19 Q. All right. And that's Amy
20 Gonzalez's e-mail?

21 A. That's correct.

22 Q. What does the highlighted portion
23 say?

24 A. "Congratulations. You've created

1 a YouTube account."

2 MR. McCALL: Can you go to page 7
3 of this e-mail -- of this exhibit. I'm sorry.

4 BY MR. McCALL:

5 Q. All right. Now, starting with the
6 bottom e-mail, it's from the AIBB2@juno.com
7 account; is that correct?

8 A. Correct. So it is under original
9 message from A1BBQ to RNE.

10 Q. And if you look at the very bottom
11 of that e-mail, what name is listed?

12 A. It says "Dad."

13 Q. And it's to the Amy Gonzalez
14 e-mail account; is that correct?

15 A. That's correct.

16 Q. And the date is June 21st, 2011?

17 A. Correct.

18 Q. And then can you please read the
19 first two paragraphs of this e-mail?

20 A. "Hi, Amy. Please e-mail this to
21 David. Dave requested from his latest e-mail
22 that we contact Laura/Leigh and Karen's school
23 teachers, advising them of Christine Purcell's
24 sexual molestation to them."

1 Q. All right. And then just to
2 summarize it, it goes on to list all the school
3 information that we've been talking about?

4 A. That's correct.

5 Q. All right. And then the e-mail
6 above. Go ahead.

7 A. So then the next e-mail in the
8 chain is, it's from the RNAIM account to A1BBQ
9 with the comment, "I forwarded this to David.
10 Love ya, Amy."

11 Q. We turn to page 10 of this
12 exhibit.

13 MR. McCALL: And can you enlarge
14 that?

15 BY MR. McCALL:

16 Q. Okay. Special Agent, what's the
17 subject line here?

18 A. So looking at the top one, it's
19 subject reply, "Tati Halloween."

20 Q. It's from?

21 A. It is from Amy Gonzalez.

22 Q. What is the date?

23 A. 11/1/2012.

24 Q. And who is it to?

1 A. David Matusiewicz.

2 Q. Okay. And actually, can we go
3 down to the e-mail below?

4 A. So that was the reply.

5 Q. Right.

6 A. And below that is David
7 Matusiewicz using the eyeball account wrote,
8 starting with "Too cute."

9 Q. Go ahead.

10 A. "Too cute. Maybe next year.
11 Prepare yourself to be managing four by this
12 time in 2013. Love you."

13 Q. All right. Now, I think that's
14 the second time this afternoon we've heard a
15 reference to managing four, something like that.
16 How many children if you take David Thomas
17 Matusiewicz's biological kids and you combine
18 them with Amy Gonzalez's?

19 A. Amy Gonzalez had one biological
20 child and Christine and David had three.

21 Q. Okay. And in 2012, David
22 Matusiewicz's parental rights had been
23 terminated; correct?

24 A. Yes. They had been terminated

1 August 2011.

2 Q. Almost a year at there point?

3 A. Correct.

4 MR. McCALL: Can you go back to
5 that, please?

6 BY MR. McCALL:

7 Q. And what's Amy's response?

8 A. So, again, going to the top, which
9 is her response to the earlier message: "I'm
10 praying for it."

11 Q. Okay. We've talked about 682-A
12 already. How about 682-B? Let's look at
13 Government Exhibit 682-B. 682-B. This is from?

14 A. This is from the A1BBQ@Juno.com
15 account to RNAIM@AIM.com. It's dated 12/2/2011.
16 It's subject line: "Good morning."

17 Q. Go ahead. Can you read it?

18 A. It says, "Had a great day
19 yesterday watching WB run out of her house
20 across street to neighbors. 'This week she is a
21 reddish belong hag and got a chance to meet
22 Frank, her new mark, too. WB is most definitely
23 scapping (sic) the bottom of the barrel on this
24 one quote. Have a great day. Dad."

1 Q. 682-C, last one. Okay. Again,
2 this is from dad; is that correct?

3 A. That's correct.

4 Q. To Amy Gonzalez?

5 A. To Amy, dated December 3rd, 2011,
6 titled, "A request from mom and me."

7 Q. Go ahead. You can read it.

8 A. "Hello once more. Mom would like
9 to know from the Delaware Bureau of Vital
10 Statistics the marriage date of William Moffa,
11 Jr. to WB to see if she was pregnant with Katie
12 at the time, her style. I tried several e-mail
13 sites. However, they all wanted money to do
14 so.

15 Do you already belong to a look-up
16 service, and if so, would you please look this
17 up for us and e-mail results. Thank you again,
18 Amy. Dad."

19 Q. All right. Now, I wanted to turn,
20 Special Agent, to an interview that you
21 conducted, okay, with Amy Gonzalez.

22 A. Okay.

23 Q. All right. Can you tell the
24 jurors when that interview occurred.

1 A. In August of 2013 we arrested Amy
2 Gonzalez as related to this case. We traveled
3 down to Edinburg, Texas, McAllen, Texas, and we
4 arrested her that morning at the FBI resident
5 agency in McAllen, Texas.

6 Q. All right. Now, when you arrested
7 her, did you ask her if she was willing to speak
8 with you?

9 A. Yes. Because she was under
10 arrest, we offered her what, you know, is
11 frequently called her Miranda rights, or
12 advisive rights. I went over that with her.
13 The FBI being very heavy on documents, we
14 actually have her sign a form saying she's
15 willing to talk to us. She consented that that,
16 signed the form, and she agreed to sit down and
17 talk with us.

18 Q. All right. Now, when she was
19 talking to you, did she understand everything
20 that you were saying?

21 A. She did.

22 Q. Okay. And did you talk to Amy
23 Gonzalez about any of the documents that we've
24 recovered in this case that the jury has now

1 seen?

2 A. Yes. We had -- so the search in
3 Texas had taken place. I'm sorry. The search
4 at Tom and Lenore's house in Edcouch had taken
5 place back in February, so between February and
6 August I had reviewed a fair amount of evidence
7 in the case, and I had brought some notes and
8 some copies of things to show her if she agreed
9 to the interview, which she did.

10 Q. Okay. And specifically did you
11 talk to her about the note that we've reviewed
12 that was found in the drawer in the hutch that
13 was addressed to Amy from her father?

14 A. We did. She had indicated that
15 she had been by the house after Tom and Lenore
16 had left for Delaware, or Tom, Lenore and David
17 had left for Delaware, and we asked her about
18 it. And she was aware of the note.

19 And when we asked her about, you
20 know, essentially the seriousness of the note,
21 she had responded that her father had left her
22 notes like that in the past, and that that was
23 not uncommon with what she put out to us.

24 Q. I want to turn now to some of the

1 security video that you obtained in the course
2 of the investigation as it related to the
3 traveling or the trip that David Matusiewicz,
4 Thomas Matusiewicz and Lenore Matusiewicz took
5 from Texas to Delaware prior to the shooting in
6 this case. Okay?

7 A. Sure.

8 Q. All right. Now, I believe we
9 heard earlier from the Walmart, a Walmart
10 employee who talked about the security system at
11 one of their facilities?

12 A. That's correct.

13 Q. All right. Can you set that up
14 for us?

15 A. Sure. So after the shooting
16 incident had occurred, working with the State
17 Police, we had receipts, you know, in the days
18 preceding the shooting from the Matusiewiczes.
19 We used those receipts to check dates and times,
20 and essentially that led us to the Walmart, that
21 there was a -- there was the possibility that
22 they had been there, and that we sent an agent
23 to Walmart to engage their security department
24 to see if we could get footage of them, you

1 know, in or around their facility, which we did.

2 Q. All right. And that's the, I
3 think the White Marsh Walmart in Maryland?

4 A. That is the one right down the
5 road in Maryland.

6 Q. All right. Now, before we turn to
7 that video, let's put up Exhibit 244-A, page 1.
8 Okay. What's that again?

9 A. So this is the Honda Civic. In
10 this picture, it's parked over at the Elkton,
11 Maryland. I shouldn't say that. I'm not sure
12 if that was Elkton. That may be actually at the
13 tow or the DSP yard.

14 Q. Okay?

15 A. But that's the Honda with the
16 South Dakota license plate.

17 Q. I think when we scroll through,
18 you'll realize the location.

19 A. Yes. That's in the driveway at
20 Elkton, Maryland.

21 Q. C, please.

22 A. That's the trunk opened up with
23 its contents.

24 Q. Okay?

1 MR. McCALL: Can you go to D,
2 please, and E?

3 THE WITNESS: Still in the trunk.

4 MR. McCALL: F?

5 THE WITNESS: And as things are
6 removed from the trunk, it gets placed on the
7 driveway.

8 MR. McCALL: G, H. Keep scrolling
9 through. And that's the contents out; is that
10 correct?

11 THE WITNESS: That's correct.

12 BY MR. McCALL:

13 Q. Okay. Now let's turn to
14 Government Exhibit 340, which is the security
15 video from the Walmart, and let's look at clip
16 3. Right? Okay.

17 Now, before we start playing clip
18 three, can you explain to the jurors, again,
19 what we're looking at here in clip 3?

20 A. So clip 3 is one of four clips
21 that we reviewed that shows who we identify as
22 David, Thomas and Lenore Matusiewicz in and
23 around a Walmart facility.

24 So in clip 3 here, this is an

1 exterior shot from the building looking out to
2 the Walmart parking lot.

3 Q. All right. Now, Special Agent
4 Gordon, can you tell the jurors -- just set it
5 up. What are they going to see here
6 momentarily?

7 A. So what you will see is if you
8 look on the upper left, you'll see a white,
9 white car, SUV, followed by another
10 lighter-colored car. That will be the Honda CRV
11 followed by the Honda Civic. They'll come
12 towards you in the frame, and if you look on the
13 right just past the area of the grass, there's
14 what appears to be a Chevy Suburban, gray in
15 color, and the Honda CRV will park on our side
16 of it as we look, and the Honda Civic will park
17 on the other side.

18 Q. All right. They're going to be
19 coming down, if you look at the big screen, this
20 way; is that correct?

21 A. That's correct.

22 Q. All right.

23 MR. McCALL: Can you hit play,
24 please?

1 (Video played.)

2 BY MR. McCALL:

3 Q. What are we seeing there?

4 A. So that's the Honda CRV parking
5 and then the Honda Civic parking. And --

6 Q. What are we going to see here in a
7 moment?

8 A. In a moment, you'll see the
9 occupants of the vehicles. Tom -- I'm sorry,
10 David and Lenore in the CRV. David and Lenore
11 will walk to the rear of their vehicle and then
12 Thomas on the other side of the Suburban will
13 appear walking from the side of his vehicle.

14 Q. Who is that?

15 A. That is David Matusiewicz. And
16 Lenore will be in a red jacket/coat. That's
17 Lenore. And then you'll see Tom at the top of
18 that group coming in the picture now, past --
19 putting a coat on.

20 Q. What's happening now?

21 A. David appears to walk over to Tom.
22 They interact in some way. And then Lenore is
23 heading towards the front of the store, and then
24 David follows. And Tom stands at the rear of

1 his vehicle. He had parked head in, so he's
2 standing at the rear bumper area, if you will.

3 Q. Okay. Now, what happens in the
4 next six minutes or so as David and Lenore leave
5 the screen?

6 A. David and Lenore leave the screen.
7 On the other video angles, I can see them go
8 into the store. They go in. There is a
9 McDonald's inside.

10 Tom stands outside, right by the
11 Honda Civic. At times he will the go into, or
12 appears, it's blocked by the Suburban, but
13 appears to get into the car on -- or at least
14 disappear from the, the view because of the
15 Suburban and then will re-emerge from that
16 obscured area and go to the rear of the cars
17 several times.

18 Q. Does Tom Matusiewicz ever go
19 inside the Walmart?

20 A. No.

21 Q. Okay.

22 A. So, again, he disappears behind
23 the Suburban. You can kind of see his head move
24 and then there will be no movement, and then a

1 little bit later he'll return to the rear of the
2 car.

3 Q. All right. Now, our time here,
4 I'm going to stop it at 1027 and 40 seconds; is
5 that correct?

6 A. Yes, on February 7th.

7 Q. So for the next six minutes or so,
8 there's no real action at the vehicle; is that
9 correct?

10 A. I mean, Tom does get out and
11 appear to manipulate or at least bend over at
12 the back of the car.

13 Q. Okay. Well, I think -- well, let
14 me fast forward it to 10:32.

15 A. Yes. Okay. Yes.

16 Q. Let me ask the question. For the
17 next six minutes, basically, what happens until
18 I fast forward it to 10:32?

19 A. Really, nothing.

20 Q. Okay. All right. You can play
21 it. Now, who do we see here, Special Agent
22 Gordon?

23 A. So this is what I was describing.
24 Tom comes out, goes to the rear of the car.

1 He's facing the rear of the car, bending over at
2 times, as you see there (indicating). He bends
3 over a couple times. Has something now in his
4 hand.

5 MR. McCALL: All right. Can you
6 pause it?

7 BY MR. McCALL:

8 Q. All right. Now, we're at
9 10:33:26. What's going to happen now? Is he
10 going -- well, do you recall what happens next?

11 A. I believe he then disappears up
12 towards the front sides of the car. The
13 Suburban tends to obscure him. He returns back
14 after a few seconds.

15 MR. McCALL: Judge, there's about
16 seven minutes that we're going to be playing
17 next and that will be it.

18 (Video played.)

19 BY MR. McCALL:

20 Q. Now, again, Special Agent Gordon,
21 when this is occurring, you've watched the video
22 of the interior of the wall parking lot; is that
23 correct?

24 A. Yes. They have a camera just

1 outside the door, just inside the door, then by
2 the registers, and you can see them clearly.
3 David and Lenore walked in, go in, go in past
4 registers, down towards the food, and then
5 ultimately, they walk back out. And eventually
6 when we move ahead, they'll reappear at the
7 bottom of the screen walking from the Walmart.

8 Q. All right.

9 MR. McCALL: Can you fast-forward
10 it to the 10:35:50, please. Okay.

11 BY MR. McCALL:

12 Q. So I think what we're going to
13 say, correct Agent Gordon, about 10:36:30 is
14 when we'll see movement again from the area of
15 the Honda Civic; is that correct?

16 A. Correct. If you look at what I
17 call the Suburban, about midway down you'll
18 start to see some movement, and then you'll be
19 able to see what appears to be a head and then
20 there it is there, and then he'll walk back
21 towards the rear of the vehicle.

22 So he is now bent over at the rear
23 of the vehicle. Again, the car was parked front
24 in or head in, so he is bent over towards the

1 rear.

2 So now you can see below the
3 bumper, the Suburban, it appears that a bag has
4 been placed on the ground, or some item.

5 Q. What's happening now?

6 A. So he goes back up, disappears
7 from view towards the front of the car, and then
8 he, after a few moments, now he returns to the
9 back of the car. Again, appears bent over
10 shuffling with an item or something.

11 Q. Can you pause it briefly? Thank
12 you. What we're going to see is him drop down
13 here in a moment?

14 A. That's correct.

15 MR. McCALL: All right. If you
16 can hit play.

17 BY MR. McCALL:

18 Q. Right there, what was that?

19 A. He bent over almost at a 90-degree
20 angle, still is kind of bent over again. And
21 now David and Lenore start returning from the
22 store. Tom is still at the trunk.

23 MR. McCALL: Can you pause it,
24 please?

1 THE WITNESS: Here at the vehicle
2 area.

3 BY MR. McCALL:

4 Q. Okay. Now, as David and Lenore
5 begin to walk up to the vehicle, can you tell
6 the jurors, just give them a preview? What are
7 they going to see?

8 A. So as you look where Thomas is,
9 that's the rear of the Honda Civic, again, where
10 he has been bent over and, you know, several
11 times. He will then move towards the front of
12 the car, just as David, who is in the gray
13 sweatshirt or shirt and jeans walks up right to
14 the rear of the vehicle.

15 Q. And where will Lenore position
16 herself?

17 A. Lenore will kind of stay in the
18 path that she's going and she'll stand a little
19 bit further back, but right at the rear of
20 the -- at the Honda Civic.

21 Q. And what will she have a direct
22 line of sight to?

23 A. The rear of the Honda Civic.

24 MR. EDELIN: Objection.

1 THE COURT: Basis?

2 MR. EDELIN: This person can't
3 testify to what she can see.

4 THE COURT: I will sustain that
5 objection.

6 MR. McCALL: Okay. All right,
7 your Honor. We'll hit play.

8 THE WITNESS: And so as he moves
9 away --

10 MR. McCALL: Can you stop it
11 again, please?

12 BY MR. McCALL:

13 Q. I have my laser pointer over
14 something right there?

15 A. Yes. As Tom moves away, then you
16 can see that something, because now his legs
17 aren't obscuring anything, there's something on
18 the ground. As he walks away, now you have a
19 clear shot that there's something there.

20 MR. McCALL: Okay. Hit play,
21 please.

22 BY MR. McCALL:

23 Q. Where is he going?

24 A. David walks on the other side of

1 the Suburban, same side as the Civic, and then
2 walks away.

3 MR. McCALL: Now stop it.

4 BY MR. McCALL:

5 Q. Okay. Now, at this moment, David
6 Matusiewicz is doing what?

7 A. David is turned and is facing back
8 towards the building. Again, the Honda CRV is
9 essentially to his left, on our side. Lenore is
10 facing Tom at the rear of the vehicle, and Tom
11 appears to be bent over to retrieve whatever it
12 is on the ground.

13 MR. McCALL: Hit play, please.

14 BY MR. McCALL:

15 Q. What is Thomas doing there?

16 A. Now you can see that the item that
17 was on the ground is gone. There's no shadow.
18 There's nothing there.

19 David has gone to the driver's
20 side of the CRV. Tom has gone to his driver's
21 side of the Civic. Lenore is going around to
22 the passenger side of the CRV, and then Tom
23 comes over to interact or stand in the area of
24 the CRV, where David is.

1 THE COURT: Members of the jury,
2 you've heard the special agent's narration of
3 what he saw. Obviously, you're looking at the
4 same video. You'll be drawing your impressions
5 and conclusions from the video as you see them.
6 All right?

7 THE WITNESS: And now Tom is
8 returning to where his car is parked.

9 BY MR. McCALL:

10 Q. And then how does the video wrap
11 up, Special Agent Gordon?

12 A. Essentially, they leave.

13 MR. McCALL: Okay. We can pause
14 it. Can we just go back? If you could pull up
15 Government Exhibit 340-A.

16 BY MR. McCALL:

17 Q. All right. There's a series of
18 stills that were pulled off of this video; is
19 that correct?

20 A. That's correct.

21 Q. And this is a still of what?

22 A. So the same view you were just
23 looking at outside the Walmart, you can see the
24 Suburban or appears to be Suburban on the right

1 there near where the CRV and the Civic had
2 parked.

3 Q. 340-B.

4 A. Now, again, same, same view.
5 Thomas is at the rear of the vehicle, and then
6 you see David and Lenore walking towards him, or
7 his area.

8 Q. 340-C.

9 A. And now they're standing right in
10 the area what we just saw in the video, at the
11 rear of the Civic.

12 Q. And D? And again?

13 A. And a little -- now they're a
14 little closer to it.

15 Q. Okay. And, again, where is, what
16 is Lenore facing when she's in this position
17 here?

18 A. Her front appears to be towards
19 the back of the Civic and her back appears to be
20 to the traffic lane.

21 Q. E. And that's just another
22 picture. That's a duplicate, actually?

23 A. Yes.

24 MR. McCALL: Judge, may I have one

1 moment, please?

2 THE COURT: You may.

3 (Pause while counsel conferred.)

4 MR. McCALL: Your Honor, that is
5 essentially what we have for the agent. I know
6 we talked about the timing of everything.

7 THE COURT: 2:00 o'clock in the
8 morning you realize you've got something you
9 would like to revisit it when we reconvene.

10 MR. McCALL: Yes, sir. But if
11 that does not happen, then we would be tendering
12 him in the morning.

13 THE COURT: I have been in that
14 exact same position as a lawyer, and so, yes.
15 Otherwise, we will proceed with
16 cross-examination in the morning.

17 MR. McCALL: Thank you, your
18 Honor.

19 THE COURT: Ladies and gentlemen,
20 you're done your work for the day. Thank you
21 again. And so we rise. We wish you a good
22 night, and all of you know the rules.

23 (The jury was excused for the
24 evening recess.)

1 THE COURT: All right. I'd like
2 to see counsel briefly at sidebar. I would also
3 ask the public if they could make haste to
4 vacate the courtroom because we're going to
5 allow the defendants the opportunity to meet
6 with their counsel here, so we would appreciate
7 your cooperation in that regard. So meanwhile,
8 I will see counsel.

9 Special Agent, you may step down.
10 Thank you.

11 THE WITNESS: Thank you.

12 (Witness excused.)

13 (Sidebar conference held as
14 follows.)

15 MR. IBRAHIM: I got another
16 voicemail from New Jersey.

17 THE COURT: Just hold on one
18 second.

19 MR. BOSTIC: Sorry about that,
20 your Honor.

21 THE COURT: That's all right.

22 First, I will report to counsel
23 that as I had promised, I have e-mailed Marissa
24 Davidson, who is counsel to the Bureau of

1 Prisons at the FDC in Philadelphia and told her
2 there's a close family member of advanced years
3 who is ill, perhaps near death, and just ask if
4 any accommodation could be made to speak with
5 the patient, if the patient is able to speak,
6 but if not, whatever family member is attending
7 to the patient at the hospital.

8 I have not yet heard back, but I
9 wanted you to know that that communication has
10 been sent. All right?

11 And I believe, Mr. Ibrahim, you
12 have some, a second voicemail perhaps?

13 MR. IBRAHIM: That I have not
14 checked yet.

15 THE COURT: Would you like to
16 check that quickly?

17 MR. IBRAHIM: I will, indeed.

18 MR. EDELIN: Your Honor while he's
19 doing that, we did reach out and speak to Ms.
20 Kula on the break.

21 THE COURT: All right.

22 MR. EDELIN: And apparently either
23 she was going to the hospital or her husband was
24 already at the hospital. So there may be an

1 opportunity to call from here to there on a
2 Speakerphone, presuming the Marshals -- and
3 we'll follow whatever Court protocols or
4 security protocols.

5 THE COURT: All right.

6 MR. EDELIN: But that may save
7 everybody.

8 THE COURT: You have my permission
9 to do that, and I will also ask Deputy Marshal
10 Fahey if we could have the Marshals' indulgence
11 in that regard. It's obviously not an
12 attorney/client privilege matter. It's a matter
13 of mercy.

14 MR. EDELIN: Again, I don't know
15 what their policies are about people making
16 phone calls. There may be a security risk that
17 I will think about.

18 THE COURT: I think the word is
19 importune them to allow the call.

20 MR. EDELIN: Do you want me to
21 see --

22 THE COURT: Why don't you see if
23 Deputy Marshal Fahey is available.

24 MR. IBRAHIM: Your Honor, that was

1 Tom Kula indicating that the hospital, not
2 surprisingly, is unwilling to disclose any
3 information. He provided me with the doctor's
4 name, a Dr. Shah, and he provided a telephone
5 number.

6 THE COURT: All right.

7 MR. IBRAHIM: I'm thinking maybe I
8 should just start calling.

9 THE COURT: Well, do we have a
10 cellphone number for the Kula relatives who are
11 going to the hospital?

12 MR. IBRAHIM: Tom Kula, who is
13 Lenore's brother, is at the hospital, and I do
14 have his number.

15 THE COURT: All right. Why don't
16 I excuse you to call that number now and see if
17 he's standing by there while we continue this
18 sidebar conference. All right?

19 MR. IBRAHIM: Certainly.

20 THE COURT: By all means, find a
21 quiet corner. I've asked Deputy Marshal Fahey
22 to join us. I have sent an e-mail to the
23 Detention Center in Philadelphia to the Office
24 of Counsel of Marissa Davidson, asking if a call

1 could be arranged. Given the time of day and
2 her duties, which I know are numerous, we might
3 or might not get a response. But counsel has
4 said that since it appears family may be at the
5 hospital, we might be able to call directly from
6 the courtroom. And I just wanted to ask you
7 whether that would present -- I realize it would
8 be unorthodox, but if I were to make the request
9 of you as the Judge that a cellphone call be
10 made with the Marshals present to the relative
11 at the hospital, would that be acceptable from a
12 security standpoint, recognizing --

13 DEPUTY MARSHAL FAHEY: Just to
14 update the status?

15 THE COURT: Exactly right. It
16 would be for purposes of updating the status and
17 giving some information or a sense of
18 perspective to the defendants. And I recognize
19 that ordinarily, that would be a breach of
20 security regulations, and so I'm willing to take
21 responsibility for the request of you to do
22 that.

23 DEPUTY MARSHAL FAHEY: As long as
24 it's just for an update of status and there's

1 not a lot of --

2 THE COURT: Right.

3 DEPUTY MARSHAL FAHEY: -- back and
4 forth.

5 THE COURT: Right. I would say --
6 I mean, there may be an exchange with the
7 relatives, but I would rely upon counsel to make
8 certain that it's not prolonged.

9 MR. BOSTIC: Yes, your Honor.

10 MR. EDELIN: Yes, sir.

11 THE COURT: And certainly, we
12 would appreciate that. And all counsel have
13 represented they will follow directions of the
14 Marshal. Correct, counsel?

15 MR. BOSTIC: Absolutely.

16 MR. EDELIN: Absolutely.

17 THE COURT: All right. So with
18 those reservations, Mr. Ibrahim is now trying to
19 see if he can establish communication with that
20 family member.

21 DEPUTY MARSHAL FAHEY: Okay.

22 THE COURT: And as always, I thank
23 you for your willingness to work with the Court.

24 DEPUTY MARSHAL FAHEY: I need to

1 run down and just pass that up the chain and I
2 will be right back.

3 THE COURT: Right. And if you
4 would prefer that I remain in the courtroom
5 during that call, I will do so.

6 DEPUTY MARSHAL FAHEY: All right.

7 THE COURT: Unless the defense
8 objects.

9 MR. EDELIN: I don't object.

10 MR. BOSTIC: No objection, your
11 Honor.

12 THE COURT: I'm happy to remain
13 during the duration of the call, and that may
14 assist with any rulings, quote unquote, that
15 need to be made.

16 DEPUTY MARSHAL FAHEY: Thank you,
17 your Honor. I will be back.

18 THE COURT: Thank you.

19 MR. BOSTIC: Your Honor, may I
20 speak with co-counsel?

21 THE COURT: Let's go off the
22 record.

23 (Discussion held off the record.)

24 DEPUTY MARSHAL FAHEY: The Chief

1 and the Marshal are out of the office. I'm just
2 going to go ahead with the plan, and --

3 THE COURT: And I will remain in
4 the courtroom therefore, because I believe that
5 for purposes of your authority and jurisdiction,
6 it's better to have Article III weighing in.

7 DEPUTY MARSHAL FAHEY: Thank you.

8 MR. EDELIN: Your Honor, I will
9 update Jeremy.

10 THE COURT: Yes. Off the record.

11 (Discussion held off the record.)

12 (The court reporter was excused at
13 4:46 p.m.)

14 - - -
15
16
17
18
19
20
21
22
23
24